

**CITY OF GONZALES, TEXAS  
CITY COUNCIL MEETING  
GONZALES MUNICIPAL BUILDING 820 ST. JOSEPH STREET  
AGENDA –FEBRUARY 10, 2022 6:00 P.M.**

**CALL TO ORDER, INVOCATION, AND PLEDGES OF ALLEGIANCE**

**CITY EVENTS AND ANNOUNCEMENTS**

- Announcements of upcoming City Events
- Announcements and recognitions by the City Manager
- Announcements and recognitions by the Mayor
- Recognition of actions by City employees
- Recognition of actions by community volunteers

**HEARING OF RESIDENTS**

This time is set aside for any person who wishes to address the City Council. Each person should fill out the speaker's register prior to the meeting. Presentations should be limited to no more than 3 minutes.

**All remarks shall be addressed to the Council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the Council may be requested to leave the meeting.**

Discussion by the Council of any item not on the agenda shall be limited to statements of specific factual information given in response to any inquiry, a recitation of existing policy in response to an inquiry, and/or a proposal to place the item on a future agenda. The presiding officer, during the Hearing of Residents portion of the agenda, will call on those persons who have signed up to speak in the order they have registered.

**PUBLIC HEARING**

The City of Gonzales is accepting comment in regard to the use of American Rescue Plan Act of 2021 (hereinafter "ARPA") funds signed into law on March 11, 2021. On May 10, 2021, the United States Department of the Treasury published guidance regarding the allowable usage of the Coronavirus Local Fiscal Recovery Funds (hereinafter "CLFRF") to be disseminated to local governments in accordance with the ARPA. The total allocation of CLFRF funds to the City of Gonzales, as published by the U.S. Treasury, is \$1,866,571.55 of which the City receipted the first fifty percent (50%) of its CLFRF allocation (\$933,285.78) on September 15, 2021.

**CONSENT AGENDA ITEMS**

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the consent Agenda upon the request of the Mayor or a Councilmember.

- 1.1 **Minutes** - Approval of the minutes for the January 13, 2022 Regular Meeting & January 18, 2022 Special Called Meeting
- 1.2 Acknowledging Receipt of the 2021 Annual Racial Profiling Report

- 1.3 Discuss, Consider & Possible Action on **Resolution #2022-11** Authorizing the Use of Texas Heroes Square Including the Parking Lot for the Gonzales Master Gardener's Annual Spring Plant Sale on April 9, 2022
- 1.4 Discuss, Consider & Possible Action on **Resolution #2022-12** Authorizing the Mayor to Execute an Agreement for Election Services with Elections Administrator of Gonzales County for the May 7, 2022 General Election
- 1.5 Discuss, Consider Possible Action on **Ordinance #2022-2** Ordering a General Municipal Election to be Held on May 7, 2022, for the Purpose of Electing an Individual to the Office of Mayor
- 1.6 Discuss, Consider & Possible Action on **Resolution #2022-13** Approving the Purchase of a 2022 Freightliner M2106 Cab and Chassis Truck with H.D. Industries, Inc. Pro Patcher Pothole Patcher bed and authorizing the City Manager to execute the financing agreements
- 1.7 Discuss, Consider & Possible Action on **Resolution #2022-14** Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League

## **RESOLUTIONS**

- 2.1 Discuss, Consider & Possible Action on **Resolution #2022-15** Authorizing an amendment to the Fiscal and Budgetary Policy Statement for the City of Gonzales
- 2.2 Discuss, Consider & Possible Action on **Resolution #2022-16** Approving a Performance Agreement by and between the City of Gonzales and GEDC Concerning Upgrades to the Gonzales Memorial Museum
- 2.3 Discuss, Consider & Possible Action on **Resolution #2022-17** Accepting the proposals and awarding the contract for the Gonzales Memorial Museum and Amphitheatre Reflecting Pool Recirculating Pump project
- 2.4 Discuss, Consider & Possible Action on **Resolution #2022-18** Accepting the donation of a Little Free Library to be used at J.B. Wells Park
- 2.5 Discuss, Consider & Possible Action on **Resolution #2022-19** Approving the TexasEDConnection 2022 Partnership Agreement by and Between the GEDC and Day One Experts, LLC.
- 2.6 Discuss, Consider & Possible Action on **Resolution #2022-20** Approving Changes to the Administrative Assistant to President/CEO Job Description Current Position Classifications for Fiscal Year 2021-2022 within the Economic Development Corporation Department

## **ORDINANCES**

- 3.1 Discuss, Consider & Possible Action on **Ordinance #2022-3** Approving a Budget Amendment to the Operating Budget for the Fiscal Year October 1, 2021 and Ending September 30, 2022; General Fund: \$2,242,163.96 in expenses and \$1,862,678.96 in

revenue, Electric Fund: \$40,865.44 in expenses, Water Fund: \$10,367 in expenses, Wastewater Fund: \$228,700 in expenses and Hotel/Motel Fund: \$23,217.15 in expenses

## **PUBLIC HEARING AND ADOPTION OF CHAPTER 14 ZONING ORDINANCE**

- 4.1 Conduct a public hearing and consider approval of **Ordinance #2022-4** Amending the Gonzales Code of Ordinances Chapter 14 Zoning, Related to Garage Requirements, Posted Sign Notice, and Zoning Variances

## **OTHER BUSINESS**

- 5.1 Discuss, Consider and Possible Action regarding policy recommendations from the Roger M. Dreyer Memorial Airport Advisory Board regarding authorizing the use of specific portions of the Roger M. Dreyer Memorial Airport for private or public events if allowed by current grant assurance and hangar lease provision, and setting any terms, conditions, and associated fees as applicable

## **STAFF/BOARD REPORTS**

- 6.1 Finance Director will provide feedback on any questions regarding:
- Financial Reports for funds as of January 31, 2022
  - Cash & Investment by Fund as of January 31, 2022
  - Quarterly Investment Report ending December 31, 2021
- 6.2 City Manager, Tim Patek will update the City Council on the following:
- Tourism Steering Committee
  - Eggleston House Improvements
  - Certified Public Manager certification
  - Sewer Line camera project
  - Timeline on Capital Improvement Projects
    - Recently Completed Projects
    - Projects Currently in Process
    - Upcoming Projects

## **CLOSED SESSION**

- 7.1 (1) Pursuant to Section 551.087 of the Texas Government Code, the City of Gonzales will consult in closed session (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- A) Project A
- B) Project B

- (2) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real

property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

A) Oil and Gas Leases

(3) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

A) Delinquent Hotel Motel Tax Collection

- A Guerra Enterprise, LLC. dba Holiday Inn Express & Suites
- AR Guerra Holdings, LLC dba Sleep Inn and Suites

**RETURN TO OPEN SESSION**

8.1 Discuss, Consider & Possible Action authorizing to negotiate matters discussed in closed session, and/or other actions necessary or recommended related to such discussions in closed session.

**CITY COUNCIL REQUESTS AND ANNOUNCEMENTS**

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

**ADJOURN**

EXECUTIVE SESSION: The City Council reserves the right to discuss any of the above items in Executive Closed Session if they meet the qualifications in Sections 551.071, 551.072, 551.073, 551.074, 551.076, 551.087, of Chapter 551 of the Government Code of the State of Texas.

I certify that a copy of the February 10, 2022, agenda of items to be considered by the Gonzales City Council was posted on the City Municipal Building bulletin board on the 7<sup>th</sup> day of February, 2022 at 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting. I further certify that the above agenda was removed on \_\_\_\_\_ day of \_\_\_\_\_, 2021 at \_\_\_\_\_am/pm. I further certify that the following News Media were properly notified of the above stated meeting: Gonzales Inquirer.

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Kristina Vega, City Secretary

The meeting facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please Contact the City Secretary's office at (830)672-2815 for further information.

**CITY OF GONZALES, TEXAS  
CITY COUNCIL MEETING  
MINUTES –JANUARY 13, 2022**

The regular meeting of the City Council was held on **January 13, 2022** at 6:00 p.m. at the Gonzales Municipal Building, 820 St. Joseph Street. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at the Gonzales Municipal Building, giving notice of time, date, place, and agenda thereof. The meeting notice, agenda and agenda packet were posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

**CALL TO ORDER, INVOCATION AND PLEDGE**

Mayor Kacir called the meeting to order at 6:00 p.m. and a quorum was certified.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Connie L. Kacir	Mayor	Present
Joseph Kridler	Council Member, District 1	Present
Sherri Koepp	Council Member, District 2	Present
Bobby O’Neal	Council Member, District 3	Present
Ronda Miller	Council Member, District 5	Present

**STAFF PARTICIPATING:**

Tim Patek-City Manager, Kristina Vega-City Secretary, Tim Crow-Chief of Police, Keith Schauer-City Engineer, and Laura Zella-Finance Director

**CITY EVENTS AND ANNOUNCEMENTS**

- Announcements of upcoming City Events Mayor Kacir reminded all that the Edwards Association had to cancel of the Martin Luther King March scheduled for January 17<sup>th</sup>.
- Announcements and recognitions by the City Manager
- Announcements and recognitions by Mayor Kacir of incoming Council Member District 5-Ronda Miller
- Recognition of actions by City employees
- Recognition of actions by community volunteers.

**HEARING OF RESIDENTS**

Glenda Gordon-spoke in regards to the interpretive panels at Independence Square and the regaining of the conference room at the Jail Museum.

Barbara Crozier spoke on behalf the need for the Tourism Director position and how important it is to support Tourism growth within the City of Gonzales.

Thomas Enriquez expressed his concerns regarding the criminal activity at the Winding Way apartments and the lack of cameras and security lights.

Marge Kacir, President of the Gonzales Chapter of the Daughters of Republic of Texas spoke in regards to the repairs to the Eggleston House and commended the City Council and staff for the diligence in the continuation of the project.

## **OTHER BUSINESS**

- 4.1 Discuss, Consider and Possible Action regarding the possible elimination of the Director of Tourism position and determining the need of having the responsibilities as a duty of a City employee instead of another local entity and providing direction to City Staff regarding same

The City Council engaged in preliminary discussions regarding the Tourism Director position. Council expressed the desire to continue the discussions and engage the CVB and the Chamber within the discussions to provide feedback to the City Council.

Council Member O'Neal moved to table this item until the next meeting after the Tourism Committee is able to provide a recommendation to City Council. Council Member Miller seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

## **CONSENT AGENDA ITEMS**

The Consent Agenda is considered self-explanatory and will be enacted by the Council with one motion. There will be no separate discussion of these items unless they are removed from the Consent Agenda upon the request of the Mayor or a Councilmember.

- 1.1 **Minutes** - Approval of the minutes for the December 9, 2021 Regular Meeting & December 15, 2021 Special Called Meeting
- 1.2 Discuss, Consider & Possible Action on **Resolution #2021-118** Approving an Amended and Restated Type B Economic Development Agreement by and between the Gonzales Economic Development Corporation and Laurel Ridge Designs, Inc., a Texas Corporation, authorized pursuant to Section 505.158 of the Texas Local Government Code-**SECOND READING**
- 1.3 Discuss, Consider & Possible Action on **Resolution #2022-1** Approving the Purchase of a 2023 Freightliner M106 Cab and Chassis Truck to include an Ox Body Dump Bed with Electric Flip Tarp and authorizing the City Manager to execute the financing agreements

### **ACTION: Items 1.1 through 1.3**

### **APPROVED**

Council Member Koepp moved to approve the consent agenda items 1.1 through 1.3. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

## **RESOLUTIONS**

- 2.1 Discuss, Consider & Possible Action on **Resolution #2022-2** Authorizing the City Manager to Negotiate and Enter into an Agreement for Engineering Services for the American Rescue Plan ("ARP") Act of 2021 Coronavirus Local Fiscal Recovery Fund

(“CLFRF”) and ARP competitively procured Economic Development Administration (EDA) Funds

**ACTION: Items 2.1**

**APPROVED**

Council Member O’Neal moved to approve **Resolution #2022-2** Authorizing the City Manager to Negotiate and Enter into an Agreement with Doucet & Associates, Inc. for Engineering Services for the American Rescue Plan (“ARP”) Act of 2021 Coronavirus Local Fiscal Recovery Fund (“CLFRF”) and ARP competitively procured Economic Development Administration (EDA) Funds. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.2 Discuss, Consider & Possible Action on **Resolution #2022-3** Authorizing the City Manager to Execute an Agreement for Grant Administration Services for the American Rescue Plan (“ARP”) Act of 2021 Coronavirus Local Fiscal Recovery Fund (“CLFRF”) and ARP competitively procured Economic Development Administration (EDA) Funds

**ACTION: Items 2.2**

**APPROVED**

Council Member Kridler moved to approve **Resolution #2022-3** Authorizing the City Manager to Execute an Agreement with JET Development, LLC. for Grant Administration Services for the American Rescue Plan (“ARP”) Act of 2021 Coronavirus Local Fiscal Recovery Fund (“CLFRF”) and ARP competitively procured Economic Development Administration (EDA) Funds. Council Member Koepp seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.3 Discuss, Consider & Possible Action on **Resolution #2022-4** Approving a First Amendment to Performance Agreement between the Gonzales Economic Development Corporation and First United Methodist Church for the Stockton Youth Center

**ACTION: Items 2.3**

**APPROVED**

Council Member Koepp moved to approve **Resolution #2021-4** Approving a First Amendment to Performance Agreement between the Gonzales Economic Development Corporation and First United Methodist Church for the Stockton Youth Center. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.4 Discuss, Consider & Possible Action on **Resolution #2022-5** Approving a Corrected Amendment to Original Agreement and Amendments between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC.

**ACTION: Items 2.4**

**APPROVED**

Council Member O’Neal moved to approve **Resolution #2022-5** Approving a Corrected Amendment to Original Agreement and Amendments between the Gonzales Economic Development Corporation and Come and Take It Properties, LLC. Council Member

Miller seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.5 Discuss, Consider & Possible Action on **Resolution #2022-6** Approving the Victoria Economic Development Regional Plan and Consulting Services Agreement.

**ACTION: Items 2.5**

**APPROVED**

Council Member Koepp moved to approve **Resolution #2022-6** Approving the Victoria Economic Development Regional Plan and Consulting Services Agreement. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.6 Discuss, Consider & Possible Action on **Resolution #2022-7** Approving a Grazing Lease Between the Gonzales Economic Development Corporation and Bobby Tomas

**ACTION: Items 2.6**

**APPROVED**

Council Member Kridler moved to approve **Resolution #2022-7** Approving a Grazing Lease Between the Gonzales Economic Development Corporation and Bobby Tomas. Council Member Koepp seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.7 Discuss, Consider & Possible Action on **Resolution #2022-8** Authorizing the Appointments to the Main Street Advisory Board

**ACTION: Items 2.7**

**APPROVED**

Council Member Koepp moved to approve **Resolution #2022-8** Authorizing the Appointment of Valorie Daniel with a term ending 09/30/2023 and Adriane Hastings with a term ending 9/30/2022 to the Main Street Advisory Board. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.8 Discuss, Consider & Possible Action on **Resolution #2022-9** Accepting/Rejecting the Proposals Received for the Eggleston House Roof Replacement and Structural Repairs Project and if rejected authorizing staff to readvertise the project

**ACTION: Items 2.8**

**APPROVED**

Council Member O'Neal moved to approve **Resolution #2022-9** Rejecting the Proposals Received for the Eggleston House Roof Replacement and Structural Repairs Project and authorizing staff to readvertise the project. Council Member Koepp seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

- 2.9 Discuss, Consider & Possible Action on **Resolution #2022-10** Authorizing Designated Signatories for Contractual and Financial Documents for the Texas General Land Office (Glo) Community Development Block Grant Hazard Mitigation (CDBG-MIT) Program



Contract 22-085-066-D323; Designating the City Manager as the City's Authorized Representative to act in all matters in connection with said grant

**ACTION: Items 2.9**

**APPROVED**

Council Member Koepp moved to approve **Resolution #2022-10** Authorizing Designated Signatories for Contractual and Financial Documents for the Texas General Land Office (Glo) Community Development Block Grant Hazard Mitigation (CDBG-MIT) Program Contract 22-085-066-D323; Designating the City Manager as the City's Authorized Representative to act in all matters in connection with said grant. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**PUBLIC HEARING AND ADOPTION OF REAPPORTIONMENT MAP**

- 3.1 Conduct a Public Hearing and Consider Approval of **Ordinance #2022-1** Approving and Adopting the New Voting District Reapportionment Map of the City and Revising the Council Member District Boundaries in response to the 2020 Census; Providing for the Redistricting of the Four (4) City Council Districts within the City of Gonzales, Texas

The Public Hearing was opened.

No comments were made.

The Public Hearing was closed.

**ACTION: Items 3.1**

**APPROVED**

Council Member Koepp moved to approve **Ordinance #2022-1** Approving and Adopting the New Voting District Reapportionment Map of the City and Revising the Council Member District Boundaries in response to the 2020 Census; Providing for the Redistricting of the Four (4) City Council Districts within the City of Gonzales, Texas. Council Member O'Neal seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

**STAFF/BOARD REPORTS**

- 5.1 Finance Director will provide feedback on any questions regarding:
- Financial Reports for funds as of December 31, 2021
  - Cash & Investment by Fund as of December 31, 2021
- 5.2 City Manager, Tim Patek will update the City Council on the following:
- J.B. Wells Park RFP
  - Timeline on Capital Improvement Projects
    - Recently Completed Projects
    - Projects Currently in Process
    - Upcoming Projects

**CONVENE INTO CLOSED SESSION:**

The Council convened into closed session at 7:20 p.m.

- 6.1 (1) Pursuant to Section 551.087 of the Texas Government Code, the City of Gonzales will consult in closed session (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

A) Project A

- (2) Pursuant to Section 551.072 of the Texas Government Code, the City of Gonzales will consult in closed session to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person:

A) Consider an offer to lease 54 acres of City owned property located west of the town of Gonzales

- (3) Pursuant to Section 551.071 of the Texas Government Code, the City of Gonzales will consult in closed session with its attorney to receive legal advice regarding pending or contemplated litigation, a settlement offer, or matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter”, to include the following matters:

- A) Memorial Park Cemetery
- B) Contractual, liability and security issues related to large scale event(s) at city facilities such as J.B. Wells, Independence Park and other city owned facilities
- C) Delinquent Hotel Motel Tax Collection
  - Hotel Alcalde, Inc. and Versatile Lodging, Inc.
  - A Guerra Enterprise, LLC. dba Holiday Inn Express & Suites
  - Michael Scott Hanson dba Inn Dependence and UC1, Ltd.
  - Utx Hospitality, LLC dba Quality Inn/Carefree Inn
  - AR Guerra Holdings, LLC dba Sleep Inn and Suites
  - Westwood Inn, LLC.

## **RETURN TO OPEN SESSION**

The Council convened into open session at 8:12 p.m.

- 7.1 Discuss, Consider & Possible Action authorizing a settlement of claims, and/or authorization to negotiate matters discussed in closed session, and/or other actions necessary or recommended related to such discussions in closed session.

Council Member O’Neal moved to authorize Denton Navarro Rocha Bernal & Zech to file a suit for the collection of delinquent taxes against A Guerra Enterprise, LLC. dba Holiday Inn Express & Suites and AR Guerra Holdings, LLC dba Sleep Inn and Suites.

Council Member Koepp seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

Mayor Kacir asked if there was any further action resulting from closed session.

Council Member Koepp moved to approve the Settlement and Release Agreement as discussed in closed session. Council Member Kridler seconded the motion. Mayor Kacir called for a roll call vote. For: Unanimous. The motion passed 5 to 0.

#### **CITY COUNCIL REQUESTS AND ANNOUNCEMENTS**

- Requests by Mayor and Councilmembers for items on a future City Council agenda
- Announcements by Mayor and Councilmembers
- City and community events attended and to be attended
- Continuing education events attended and to be attended

#### **ADJOURN**

On a motion by Council Member O'Neal and second by Council Member Koepp, the meeting was adjourned at 8:14 p.m.

Approved this 10<sup>th</sup> day of February, 2022.

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Connie Kacir, Mayor

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Kristina Vega, City Secretary

**CITY OF GONZALES, TEXAS  
CALLED JOINT CITY COUNCIL MEETING AND  
GONZALES ECONOMIC  
DEVELOPMENT CORPORATION MEETING  
MINUTES –JANUARY 18, 2022**

The Special Called meeting of the City Council was held on **January 18, 2022** at 12:00 p.m. at the Gonzales Municipal Building, 820 St. Joseph Street. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at the Gonzales Municipal Building, giving notice of time, date, place, and agenda thereof. The meeting notice, agenda and agenda packet were posted online at [www.gonzales.texas.gov](http://www.gonzales.texas.gov).

**CALL TO ORDER**

Mayor Kacir called the meeting to order at 5:00 p.m. and a quorum was certified.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Connie L. Kacir	Mayor	Present
Joseph Kridler	Council Member, District 1	Present
Sherri Koepp	Council Member, District 2	Present
Bobby O’Neal	Council Member, District 3	Present
Ronda Miller	Council Member District 4	Present

**GONZALES ECONOMIC DEVELOPMENT BOARD OF DIRECTORS (present)**

Andy Rodriguez, Meena Patel, Larry Wehde, Gerri Lawing, Chris Brunken and Dan Blakemore

**STAFF PARTICIPATING:**

Tim Patek-City Manager, Jennifer Kolbe-EDC Director, Laura Zella-Finance Director.

**CLOSED SESSION OF CITY COUNCIL AND GONZALES ECONOMIC DEVELOPMENT CORPORATION. BOTH THE CITY COUNCIL AND GONZALES ECONOMIC DEVELOPMENT CORPORATION MAY MEET JOINTLY AND/OR SEPARATELY IN CLOSED SESSION WITH THEIR RESPECTIVE LEGAL COUNSEL TO DELIBERATE THE FOLLOWING MATTERS**

The City Council and GEDC convened into closed session at 12:01 p.m.

- 1.1 (1) Pursuant to Section 551.087 of the Texas Government Code, the City of Gonzales will consult in closed session (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

A) Project A

**RETURN TO OPEN SESSION**

The City Council and GEDC convened into open session at 12:53 p.m.

Mayor Kacir deferred back to EDC to see if there was any action resulting from closed session.

Director Blakemore made a motion to authorize staff to negotiate with Project A. Director Wehde seconded the motion. President Rodriguez asked for a roll call vote. For: Blakemore, Wehde, Patel and Rodriguez. Against: Lawing. The motion passed 4 to 1.

**ADJOURN**

The meeting was adjourned at 12:55 p.m.

Approved this 10<sup>th</sup> day of February, 2022.

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Connie Kacir, Mayor

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Kristina Vega, City Secretary

# Racial Profiling Report | Full report

Gonzales Police Department

Module(s): All

Call Type(s): All

Date Range: From 1/1/2021 To 12/31/2021

Motor Vehicle Racial Profiling Information

Total stops: 1773

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## Street address or approximate location of the stop

City street: 1662

US highway: 55

State highway: 2

County road: 4

Private property or other: 31

## Was race or ethnicity known prior to stop?

Yes: 24

No: 1749

## Race or ethnicity

Alaska Native / American Indian: 3

Asian / Pacific Islander: 10

Black: 236

White: 646

Hispanic / Latino: 878

## Gender

Female:

Total 713

Alaska Native / American Indian 0 Asian / Pacific Islander 1 Black 96

White 291 Hispanic / Latino 325

Male:

Total 1060

Alaska Native / American Indian 3 Asian / Pacific Islander 9 Black 140

White 355 Hispanic / Latino 553

## Reason for stop?

Violation of law:

Total 71

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 14  
White 22 Hispanic / Latino 35

Pre-existing knowledge:

Total 11

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 4 Hispanic / Latino 6

Moving traffic violation:

Total 1476

Alaska Native / American Indian 3 Asian / Pacific Islander 10 Black 190  
White 542 Hispanic / Latino 731

Vehicle traffic violation:

Total 215

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 31  
White 78 Hispanic / Latino 106

## Was a search conducted?

Yes:

Total 285

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 58  
White 88 Hispanic / Latino 139

No:

Total 1488

Alaska Native / American Indian 3 Asian / Pacific Islander 10 Black 178  
White 558 Hispanic / Latino 739

## Reason for search?

Consent:

Total 142

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 27  
White 51 Hispanic / Latino 64

Contraband:

Total 1

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 1

Probable cause:

Total 133  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 30  
White 33 Hispanic / Latino 70

Inventory:

Total 3  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 2 Hispanic / Latino 1

Incident to arrest:

Total 6  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 2 Hispanic / Latino 3

Was Contraband discovered?

Yes:

Total 118

	Did the finding result in arrest (total should equal previous column)?	
Alaska Native / American Indian: <u>0</u>	Yes: <u>0</u>	No: <u>0</u>
Asian / Pacific Islander: <u>0</u>	Yes: <u>0</u>	No: <u>0</u>
Black: <u>20</u>	Yes: <u>4</u>	No: <u>16</u>
White: <u>35</u>	Yes: <u>6</u>	No: <u>29</u>
Hispanic / Latino: <u>63</u>	Yes: <u>8</u>	No: <u>55</u>

No:

Total 1655  
Alaska Native / American Indian 3 Asian / Pacific Islander 10 Black 216  
White 611 Hispanic / Latino 815

Description of Contraband

Drugs:

Total 71  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 12  
White 24 Hispanic / Latino 35



Currency:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Weapons:

Total 9

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 2  
White 2 Hispanic / Latino 5

Alcohol:

Total 39

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 5  
White 10 Hispanic / Latino 24

Stolen property:

Total 0

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Other:

Total 2

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 0 Hispanic / Latino 1

## Result of the stop

Verbal warning:

Total 2

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 1 Hispanic / Latino 0

Written warning:

Total 1428

Alaska Native / American Indian 3 Asian / Pacific Islander 9 Black 189  
White 550 Hispanic / Latino 677

Citation:

Total 291

Alaska Native / American Indian 0 Asian / Pacific Islander 1 Black 39  
White 76 Hispanic / Latino 175

Written warning and arrest:

Total 7  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 2 Hispanic / Latino 5

Citation and arrest:

Total 3  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 3

Arrest:

Total 42  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 7  
White 17 Hispanic / Latino 18

Arrest based on

Violation of the Penal Code:

Total 25  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 4  
White 10 Hispanic / Latino 11

Violation of Traffic Law:

Total 4  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 4

Violation of City Ordinance:

Total 0  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 0  
White 0 Hispanic / Latino 0

Outstanding Warrant:

Total 23  
Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 3  
White 9 Hispanic / Latino 11

## Was physical force resulting in bodily injury used during stop?

Yes:

Total 1

Alaska Native / American Indian 0 Asian / Pacific Islander 0 Black 1  
White 0 Hispanic / Latino 0

No:

Total 1772

Alaska Native / American Indian 3 Asian / Pacific Islander 10 Black 235  
White 646 Hispanic / Latino 878

## Number of complaints of racial profiling

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0

Submitted electronically to the



The Texas Commission on Law Enforcement

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-11 Authorizing the Use of Texas Heroes Square Including the Parking Lot for the Gonzales Master Gardener's Annual Spring Plant Sale on April 9, 2022

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The Gonzales Master Gardeners are preparing for their annual Spring Plant Sale on April 9, 2022. They are requesting the use of Texas Heroes Square, including the parking lot on St. Louis and St. James. They intend on setting up Friday, April 8, 2022 at 1:00 p.m. and will take down at 1:00 p.m. on Saturday, April 9, 2022. The event will be held from 8:30 a.m. until 1:00 p.m. There will be an approximate attendance of 300-400 people and is open to the public.

### **POLICY CONSIDERATIONS:**

This is consistent with current procedures for street closures and use of City owned property.

### **FISCAL IMPACT:**

The fiscal impact to the city would be the labor cost for city staff to deliver the trash receptacles requested and the cost to pick up the cans and the trash after the event concludes. The City has not adopted a fee schedule that includes permit fees at this time, therefore, the city will not charge for the service until those fees are adopted.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2022-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, AUTHORIZING THE USE OF TEXAS HEROES SQUARE INCLUDING THE PARKING LOT FOR THE GONZALES MASTER GARDENER'S ANNUAL SPRING PLANT SALE ON APRIL 9, 2022; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Master Gardeners uses Texas Heroes Square including the parking lot for the Gonzales Master Gardeners Annual Spring Plant Sale; and,

**WHEREAS**, the event will be held from 8:30 a.m. until 1:00 p.m. on April 9, 2022 and will have an approximate attendance of 300-400 people; and,

**WHEREAS**, set up for the event will be 1:00 p.m. on Friday, April 8, 2022 with take down at 1:00 p.m. on April 9, 2022; and

**WHEREAS**, the City Council hereby finds that said events increase the community spirit of the City of Gonzales, and therefore serve a public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the use of Texas Heroes Square including the parking lot for the Gonzales Master Gardener's Annual Spring Plant Sale on April 8 and 9, 2022 as stated herein and set forth in the submitted Event form attached hereto as Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

# GONZALES EVENT INFORMATION SHEET

★  
COME AND TAKE IT

THIS INFORMATION IS TO BE PROVIDED TO THE CITY OF GONZALES AT  
LEAST 30 DAYS PRIOR TO ALL PUBLIC AND PRIVATE EVENTS HELD ON CITY PROPERTY

★  
COME AND TAKE IT

EVENT NAME Spring Plant Sale  
 HOST ORGANIZATION Gonzales Master Gardeners  
 CONTACT NAME Shirley Frazier  
 CONTACT CELL PHONE [REDACTED]  
 EVENT DATE April 9, 2022  
 EVENT START TIME 8:30 a.m. EVENT END TIME 1:00 p.m.  
 EVENT LOCATION Heros Square  
 HOLIDAY CELEBRATED Y ☐ N ☒ HOLIDAY: \_\_\_\_\_  
 CITY COUNCIL APPROVAL REQUIRED Y ☒ N ☐ MEETING DATE: \_\_\_\_\_

## POLICE/FIRE/EMS DEPARTMENT

ATTENDANCE ESTIMATE \_\_\_\_\_  
 MUSIC Y ☐ N ☒ LIVE ☐ DJ ☐  
 FOOD Y ☐ N ☒  
 ALCOHOL Y ☐ N ☒ RESPONSIBLE PARTY \_\_\_\_\_  
 MOTORIZED VEHICLES Y ☐ N ☒ PARADE ☐ SHOW ☐  
 PUBLIC OR PRIVATE EVENT Public  
 SECURITY Y ☐ N ☒ # OFFICERS NEEDED (Call 672-8686 for costs)

## ELECTRIC DEPARTMENT ADDITIONAL

LIGHTING Y ☐ N ☒  
 NUMBER OF OUTLETS NEEDED none  
 AMPS/WATTS NEEDED \_\_\_\_\_ TENT Y ☐ N ☐  
 SET UP DAY/TIME \_\_\_\_\_  
 TENT SIZE: \_\_\_\_\_ TAKE DOWN DAY/TIME \_\_\_\_\_

## STREETS DEPARTMENT

STREETS AFFECTED Y ☐ N ☒  
 BARRICADES NEEDED (max 12) Y ☐ N ☒  
 CONES NEEDED (max 48) Y ☐ N ☒  
 STREETS TO BE CLOSED Y ☐ N ☒  
 SET UP TIME April 8, 2022 1:00 p.m.  
 TAKE DOWN TIME April 9, 2022 1:00 p.m.

## COMMUNITY SERVICES DEPARTMENT (Contingent upon availability) NUMBER OF

CHAIRS @ \$0.50 each none (max 500)  
 NO. OF ROUND TABLES @ \$2.00 each none (max 15)  
 NO. OF 8 FOOT TABLES @ \$2.00 each none (max 50)  
 NUMBER OF TRASH CANS 3 (max 25)  
 SET UP TIME April 8, 2022 1:00 p.m.  
 TAKE DOWN TIME April 9, 2022 1:00 p.m.

FOR INFORMATION CONTACT  
 (830) 672-2815- City Hall

Kristina Vega, CITY SECRETARY  
[citysecretary@gonzales.texas.gov](mailto:citysecretary@gonzales.texas.gov)

**Insurance**

Licensee agrees to maintain the type and amounts of insurance required by this agreement. Licensee is solely responsible for providing the required certificates of insurance. The City may terminate the event approval if the licensee fails to timely comply with the insurance requirements.

The required insurance must be issued by a company or companies of sound and adequate financial responsibility and authorized to do business in the State of Texas. All policies are subject to examination and approval by the City Manager or their designee for their adequacy as to content, form of protection, and providing company.

The required insurance naming the City as additional insured must be primary insurance and not contributing with any other insurance available to the City, under any third party liability policy.

Before the City Council approves this event, the licensee must provide either an original certificate of insurance or a certified copy of the insurance policy evidencing the required insurance.

The following types and amount of insurance are required:

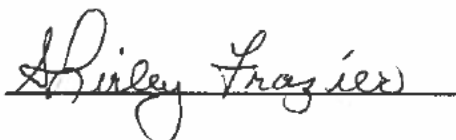
<u>Type</u>	<u>Amount</u>
Comprehensive General Liability including, but not limited to:	\$250,000 per person \$500,000 per occurrence for bodily injury; and \$100,000 per occurrence for property damage
• Premises/Operations	
• Contractual Liability	
(Insuring above indemnity)	

**Indemnity**

The undersigned does indemnify and hold harmless the City of Gonzales from and against any and all loss, cost (including statutory liability and liability under workers compensation laws) in connection with claims for damages as a result of injury or death to any person or damage to any property sustained by the individual(s) participating in or attending the permitted event, or any and all other persons, which arise from, or in any manner grow out of, any act or neglect on, about or during the event by the individual(s) or entity obtaining the permit to host the event, participants in the event, guests or attendees.

**Notification**

The undersigned further agrees to notify all property owners affected by any street closures for the event set-up or during the event.



AUTHORIZED SIGNATURE



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider and Possible Action on Resolution #2022-12 Authorizing the Mayor to Execute an Agreement for Election Services with the Elections Administrator of Gonzales County for the May 7, 2022 General Election

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Gonzales County has created the position of Election Administrator for the County which now provides the opportunity for the City to contract annually for all of the City's elections. The County typically does not hold elections on the May Uniform Election Date, however, this year there will be constitutional amendments that will be considered on the ballot. The City of Gonzales will hold an election for the purpose of electing a Mayor on the uniform election date of May 7, 2022. To eliminate confusion regarding the elections, City Staff feels it is in the City's best interest to contract with the County for the May 7, 2022 election, any resulting runoff election, as well as all city elections. Contracting will provide uniformity for all elections across all entities.

### **FISCAL IMPACT:**

The estimated cost to the City of Gonzales varies on the actual cost for the equipment and the amount of time the election workers spend on their required duties (hourly rate of pay for election workers). The City has budgeted \$20,000 within the 2021-2022 fiscal year in Account #100-7-101-501 for the City's elections.

### **ATTACHMENTS:**

Contract

### **STAFF RECOMMENDATION:**

Staff recommends approval of the resolution.

## **RESOLUTION NO. 2022-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ELECTION SERVICES WITH THE ELECTIONS ADMINISTRATOR OF GONZALES COUNTY FOR THE MAY 7, 2022 GENERAL ELECTION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council will order a General Election for the purpose of election a Mayor to be held on May 7, 2022; and

**WHEREAS**, the joint election will be administered by the Gonzales County Election Administrator's office in accordance with Chapter 271 of the Texas Election Code; and

**WHEREAS**, the Joint Election Agreement outlines each party's responsibility during the election process; and

**WHEREAS**, the terms of the Agreement allow for amendments to made upon written approval of the Parties; and

**WHEREAS**, the City finds that entering into a Joint Election Agreement for the May 7, 2022 General Election with Gonzales County is in the best interest of the City of Gonzales.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales hereby authorizes the Mayor to Execute an Agreement for Election Services with the Elections Administrator of Gonzales County for the May 7, 2022 General Election with Gonzales County for a joint election as specified in Exhibit "A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

This contract made and entered into this the 1 day of January, 2022, by and between the **ELECTIONS ADMINISTRATOR OF GONZALES COUNTY, TEXAS**, acting as contracting officer, and the Contracting Officer for the **CITY OF GONZALES, GONZALES ISD, GONZALES MEMORIAL HOSPITAL, GONZALES WATER DISTRICT, GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1, and GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 2**, Gonzales County, Texas, for the conduct and supervision of the Constitutional Amendments Election, to be held on May 7, 2022.

**WITNESSETH:**

Now, Therefore, in consideration of the premises and mutual promises and obligations herein set forth, it is agreed that:

**I.**

**GONZALES COUNTY** will provide the following supplies:

- a) Elections kits to include Early Voting and Election day;
- b) All required seals and thermal paper for DS200 and ExpressVote voting machines.
- c) Precinct polling place supplies (pens, tape, pencils, ADA supplies, etc.) as required;

**II.**

**GONZALES COUNTY** will provide the following services:

- a) Ordering programming for the election;
- b) Ordering Optical Scan Ballots for Ballot by Mail and Thermal Ballots for Early Voting and Election Day;
- c) Enlist and notice Judges, Alternates and Clerks for Early Voting and Election Day;
- d) Pre-election training;
- e) Receive and process applications for ballot by mail;
- f) Conduct Public L & A Test
- g) Publish the legal notice of the date, time and place of the test of the electronic tabulating equipment.
- h) Deliver equipment to polling location;
- i) Clear equipment after retention;
- j) Provide overall supervision of the election and provide advisory services in connection with the decisions to be made and the actions to be taken by the officers of the Party who is responsible;
- k) Pay all invoices and payroll for Judges, Alternates, Clerk, Early Voting Ballot Board and support staff.
- l) Determine time and places of Polling Locations

**III.**

**CITY OF GONZALES, GONZALES ISD, GONZALES MEMORIAL HOSPITAL, GONZALES WATER DISTRICT, GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1 and GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 2** shall be responsible for the following:

- a) Proper public Notice of Election;
- b) Rental of ExpressVote and DS200 Precinct Counter;
- c) Conduct ballot order drawing;
- d) Furnish the Gonzales County Election Administrator a complete list of all candidates and all races to be conducted in the above mentioned election by March 8, 2022, with the order they should appear on the ballot;
- e) Canvassing of the election and all other statutory requirements by the Texas Election Code and/or the Federal Voting Rights Act;
- f) Reimbursement of all expenses incurred, including, but not limited to programming, ballots, notices, supplies and payroll as invoiced by Gonzales County.

Early Voting will be April 25, 2022 through May 3, 2022 from 8:00 a.m. to 5:00 p.m.

#### IV.

Only the actual expense directly attributable to the Contract may be charged including administrative fees. (Section 31.100(b), Texas Election Code) The County Elections Officer must submit the actual costs incurred pursuant to this Contract to the Party or Parties no later than 30 days after final election. The Party or Parties must submit payment to Gonzales County no later than 30 days from the date the invoice is received.

The County can hold the Party or Parties responsible for any actual expenses for repairs for any damage that occurs while the equipment is in the Parties possession that are not covered under the vendor's warranty.

IN WITNESS WHERE, the parties have hereunto set their hands, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF GONZALES**

**GONZALES ISD**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Superintendent

**GONZALES WATER DISTRICT**

**GONZALES MEMORIAL HOSPITAL**

\_\_\_\_\_

\_\_\_\_\_

**GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 1**

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**GONZALES COUNTY EMERGENCY SERVICES DISTRICT NO. 2**

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**GONZALES COUNTY**

  
Elections Administrator

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on  
**Ordinance #2022-2** Ordering a General  
Municipal Election to be Held on May 7,  
2022, for the Purpose of Electing an Individual  
to the Office of Mayor

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

The attached ordinance officially orders the City of Gonzales' General Municipal Election for May 7, 2022 in accordance with the City's Charter and state statutes for the purpose of electing an individual to the office of Mayor. The Council is required to order the election no later than the 78th day before the election, which is February 18, 2022. Early Voting will begin April 25, 2022 at 8 a.m. and end on May 3, 2022 at 5:00 p.m.

The County will be holding an election at the same time for Constitutional Amendments, therefore, City staff is proposing to contract with Gonzales County for the Election to provide less confusion and be more convenient for the voters. Since the City will be executing a contract with Gonzales County to administer the election, most of the items will be provided by their office.

### **POLICY CONSIDERATIONS:**

The ordinance ordering the election is consistent with the City of Gonzales Charter and the Texas Election Code.

### **FISCAL IMPACT:**

The estimated cost to the City of Gonzales varies on the actual cost for the equipment and the amount of time the election workers spend on their required duties (hourly rate of pay for election workers). The City has budgeted \$20,000 within the 2021-2022 fiscal year in Account #100-7-101-501 for the City's elections.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this ordinance.

**ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS ORDERING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING AN INDIVIDUAL TO THE OFFICE OF MAYOR; PROVIDING FOR EARLY VOTING; PROVIDING FOR OTHER MATTERS RELATING TO THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.**

**UNA ORDENANZA DE LA CIUDAD DE GONZALES, TEXAS, QUE POR LA PRESENTE SE ORDENA UNA ELECCIÓN REGULAR PARA EL 7 DE MAYO DE 2022 CON EL PROPÓSITO DE ELEGIR A UNA PERSONA PARA EL CARGO DE ALCALDE.; QUE DISPONE LA VOTACIÓN ANTICIPADA Y; Y QUE DISPONE OTROS ASUNTOS RELATIVOS A LA ELECCIÓN.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

**AHORA, POR LO TANTO, EL CONSEJO MUNICIPAL DE LA CIUDAD DE GONZALES, TEXAS ORDENA:**

Section 1. That a May 7, 2022 regular election for the purpose of electing an individual to the office of Mayor is hereby Ordered.

This Order of Election is to be posted at the Gonzales Municipal Building on the Bulletin Board used for posting notices of the meetings of the City Council.

Sección 1. Que por la presente se ordena una elección regular para el 7 de mayo de 2022 con el propósito de elegir a una persona para el cargo de Alcalde.

Esta Orden de Elección se publicará en el Edificio Municipal de Gonzales en el Tablero de Anuncios que se utiliza para publicar avisos de las reuniones del Concejo Municipal.

Section 2. The City Council of the City of Gonzales finds that it is in the best interest of the public health, safety and interest to conduct a joint election with Gonzales County for the May 7, 2022 election requiring the use of polling locations and early voting hours as determined by Gonzales County.

Sección 2. El Consejo Municipal de la Ciudad de Gonzales halla que es lo mejor para la salud, la seguridad y el interés públicos celebrar una elección conjunta con el Condado de Gonzales para la elección del 7 de mayo de 2022 que requiera del uso de los lugares de votación y los horarios de votación anticipada que el Condado de Gonzales determine.



Section 3. The Election Administrator for Gonzales County shall serve as early voting clerk; the appointment of a deputy clerk or clerks for early voting by the Election Administrator shall be in accordance with the law.

Sección 3. El Administrador de Elecciones del Condado de Gonzales actuará como oficial de votación anticipada; la designación de un suboficial o suboficiales para la votación anticipada por el Secretario del Condado se hará en conformidad con la ley.

Section 4. On Election Day, May 7, 2022, the polls shall be open between the hours of 7:00 a.m. and 7:00 p.m., at the locations established by Gonzales County on the dates and times as follows, or as may be amended by Gonzales County, per the contract.

**Gonzales County Election Precinct**

**Voting Location**

Pct. 1

Randle Rather Bldg, 427 St. George, STE 100, Gonzales, TX 78629

Pct. 2

Gonzales Master Gardner's, 623 N. Fair St., Gonzales, TX 78629

Pct. 3

Gonzales City Building, 820 St. Joseph, Gonzales, TX 78629

Pct. 4

Nixon City Building, 100 W. 3rd St., Nixon, TX 78140

Pct. 9

Waelder Community Center, 311 HWY 90 W, Waelder, TX 78959

Pct. 12

JB Wells Park/Showbarn, 2301 CR 197, Gonzales, TX 78629

Sección 4. El Día de Elección, 7 de mayo de 2022, las casillas abrirán en el horario de a.m. a 7:00 p.m., en los lugares de votación establecidos por el Condado de Gonzales en las siguientes fechas y horarios o según el Condado de Gonzales los modifique en virtud del contrato.

**Precinto electoral del  
Condado de Gonzales**

**Lugar de Votación**

Pct. 1

Randle Rather Bldg, 427 St. George, STE 100, Gonzales, TX 78629

Pct. 2

Gonzales Master Gardner's, 623 N. Fair St., Gonzales, TX 78629

Pct. 3	Gonzales City Building, 820 St. Joseph, Gonzales, TX 78629
Pct. 4	Nixon City Building, 100 W. 3rd St., Nixon, TX 78140
Pct. 9	Waelder Community Center, 311 HWY 90 W, Waelder, TX 78959
Pct. 12	JB Wells Park/Showbarn, 2301 CR 197, Gonzales, TX 78629

Section 5. Early Voting by personal appearance shall commence on April 25, 2022 and continue through May 3, 2022, at the locations established by Gonzales County on the dates and times as follows, or as may be amended by Gonzales County, per the contract.

Main Early Voting Location:  
Randle-Rather Building – EV Election Room  
427 St. George, Gonzales, Texas 78629

April 25 <sup>th</sup> -April 29 <sup>th</sup>	Monday – Friday	8:00 a.m. – 5:00 p.m.
May 2 <sup>nd</sup> -May 3 <sup>rd</sup>	Monday-Tuesday	8:00 a.m. – 5:00 p.m.

Additionally, early voting locations will be identified in the contract executed with Gonzales County.

Sección 5. La votación anticipada en persona empezará el 25 de abril de 2022 y seguirá hasta el 3 de mayo de 2022 inclusive en los lugares de votación establecidos por el Condado de Gonzales en las siguientes fechas y horarios o según el Condado de Gonzales los modifique en virtud del contrato.

Principal lugar de votación anticipada:  
Randle-Rather Building – Sala de elección de votación anticipada  
427 St. George, Gonzales, Texas 78629

25 al 29 de abril	Lunes a viernes	8:00 a.m. – 5:00 p.m.
2 y 3 de mayo	lunes y martes	8:00 a.m. – 5:00 p.m.

Además, los lugares de votación anticipada serán identificados en el contrato firmado con el Condado de Gonzales.

Section 6. Applications for ballot by mail shall be received by the Gonzales Election Administrator at 427 St. George, Ste 306, Gonzales, Texas 78629 no later than close of business on April 26, 2022.

Sección 6. Las solicitudes de boletas por correo serán recibidas por el Administrador de Elecciones de Gonzales en 427 St. George, Ste 306, Gonzales, Texas 78629 antes

del cierre de operaciones el 26 de abril de 2022.

- Section 7. This election shall be held in accordance with the Constitution of the State of Texas and the Election Code, and all resident qualified voters of the City shall be eligible to vote in the election. The City Secretary and Mayor are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code in carry out and conducting the election, whether or not expressly authorized herein.
- Sección 7. Esta elección se celebrará en conformidad con la Constitución del Estado de Texas y el Código Electoral, y todos los votantes habilitados residentes de la Ciudad serán elegibles para votar en la elección. Por la presente, se autoriza e instruye a la Secretaria de la Ciudad y a la Alcaldesa a que tomen todas y cada una de las medidas necesarias para cumplir con las disposiciones del Código para realizar y celebrar la elección, sean expresamente autorizadas en la presente o no.
- Section 8. The Mayor and/or the City Secretary of the City of Gonzales are hereby authorized to execute and/or issue, for and on behalf of the City, such orders, documents, and forms as may, from time to time, be promulgated by the Secretary of State of the State of Texas in conjunction with the election herein ordained.
- Sección 8. Por la presente, se autoriza a la Alcaldesa y/o la Secretaria de la Ciudad de la Ciudad de Gonzales a firmar y/o expedir para la Ciudad y en su nombre, ciertas órdenes, documentos y formas como pueda, periódicamente, promulgar la Secretaría del Estado de Texas en conjunto con la elección ordenada en este documento.
- Section 9. Said election shall be held in accordance with Texas Election Code and the Federal Voting Rights Act of 1965, as amended.
- Sección 9. Dicha Elección se llevará a cabo de acuerdo con el Código Electoral de Texas y la Ley Federal de Derecho al Voto de 1965 y sus enmiendas.
- Section 10. It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.
- Sección 10. Por la presente, se declara que es intención del Consejo Municipal de la Ciudad que las frases, cláusulas, oraciones, párrafos y secciones de esta Ordenanza sean divisibles, y si cualquier frase, cláusula, oración, párrafo o sección de esta

Ordenanza fuera declarado inconstitucional por el fallo o decreto válido de cualquier tribunal con competencia jurisdiccional, dicha inconstitucionalidad no afectará ninguna de las frases, cláusulas, oraciones, párrafos o secciones restantes de esta Ordenanza, debido a que la misma hubiera sido promulgada por el Consejo Municipal sin la incorporación en esta Ordenanza de cualquiera de esas frases, cláusulas, oraciones, párrafos o secciones inconstitucionales.

Section 11. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

Sección 11. Por la presente, se halla y se determina oficialmente que la asamblea en la cual esta Ordenanza fue adoptada estuvo abierta al público y que se dio aviso público de la hora, el lugar y el propósito de dicha asamblea según lo exige la Ley de Asambleas Públicas en el Capítulo 551 del Código de Gobierno de Texas y sus enmiendas.

Section 12. This ordinance shall become effective immediately upon its passage.

Sección 12. Esta ordenanza entrará en vigencia inmediatamente después su aprobación.

**PASSED AND ADOPTED this 10<sup>th</sup> day of February 2022.**

**APROBADA Y ADOPTADA el 10 de February de 2022.**

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Mayor (Alcaldesa), Connie L. Kacir

ATTEST (ATESTIGUA):

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Kristina Vega, City Secretary (Secretaria de la Ciudad)

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-13 Approving the Purchase of a 2022 Freightliner M2106 Cab and Chassis Truck with H.D. Industries, Inc. Pro Patcher Pothole Patcher bed and authorizing the City Manager to execute the financing agreements

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

On November 18, 2021, Council approved the purchase of a 2022 M2106 Freightliner Truck w / Pro-Patcher bed in the amount of \$173,435.40 in Resolution 2021-106. This equipment had to be pulled by the 95 Ford Truck that is also being replaced. This new truck will be a stand-alone piece of equipment and will not need to be towed by a Dump truck. It has all the equipment needed for patching, including gas power packer for compacting potholes, hydraulic powered jack hammer, for cutting out damage pavement, and heated tack oil. This equipment will be greatly utilized in many day-to-day operations and will greatly improve the pothole patching quality by making smoother patches. The vendor informed the City of Gonzales that it could no longer honor the quote that was given since it would take around a year for this truck to be built. Therefore, City staff requested a revised quote from Freightliner and the financing agreements from Government Capital Corporation in the amount of \$181,246.50 which is an increase of \$7,811.10 from what was approved in November.

### **POLICY CONSIDERATIONS:**

As set forth in the City's Fiscal and Budgetary Policy Statements; All City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas. The pricing was obtained through a TIPS USA #200206 Purchasing Program which assists local governments in reducing costs through this government-to-government procurement service available nationwide.

### **FISCAL IMPACT:**

This equipment was budgeted in the amount of \$37,000.00 within the 2021-2022 Fiscal Year. The total expenditure for the equipment is \$181,246.50, which will be financed at 3.15% with Government Capital for the annual amount of \$36,871.31 for five years. It has been verified with the Finance Department the availability of these funds in Account #100-7-603-707 Contract Purchase.

### **ATTACHMENTS:**

Proposals from: Freightliner of Austin

**STAFF RECOMMENDATION:**

Staff respectfully recommends the purchase of the 2022 Freightliner M2106 from Freightliner of Austin in the amount of \$181,246.50

**RESOLUTION NO. 2022-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS APPROVING THE PURCHASE OF A 2022 FREIGHTLINER M2106 CAB AND CHASSIS TRUCK WITH H.D. INDUSTRIES, INC. PRO PATCHER POTHOLE PATCHER BED AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINANCING AGREEMENTS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Street Department is in need of a new patch truck to provide a means to move, dirt and other materials on a day-to-day basis for infrastructure repairs throughout the City; and

**WHEREAS**, city staff budgeted \$37,000.00 in account #100-7-603-707 Contract Purchase line for Fiscal Year 2021-2022 to purchase a dump truck to be utilized by the Street Department; and

**WHEREAS**, city staff requested proposals via TIPS USA specifications to satisfy the procurement process as authorized by the Texas Local Government Code; and

**WHEREAS**, a proposal was received from Freightliner Austin in the amount of \$181,246.50; and

**WHEREAS**, staff recommends the purchase of a 2022 Freightliner M2106 Cab and Chassis Truck with H.D. Industries, Inc. Pro Patcher Pothole Patcher bed in the amount of \$181,246.50 and will be financed with Government Capital over a five-year period for the annual amount of \$36,871.31; and

**WHEREAS**, the Finance Contract by and between the City of Gonzales and GCC is designated by the Issuer as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended; and

**WHEREAS**, the City will use loan proceeds for reimbursement of expenditures related to the Property; and

**WHEREAS**, the City Council hereby finds that the purchase of the identified equipment serves the best interest of the City of Gonzales.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes the purchase of a 2022 Freightliner M2106 Cab and Chassis Truck with H.D. Industries, Inc. Pro Patcher Pothole Patcher bed in the amount of \$181,246.50 and authorizes the City Manager to execute an agreement with Government Capital for a five-year period for the annual amount of \$36,871.31.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022**

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Connie Kacir, Mayor

ATTEST:

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Kristina Vega, City Secretary





175,246.50



January 6, 2022

Ms. Laura Zella  
Gonzales City Hall  
(830) 672-2815  
lzella@gonzales.texas.gov

Dear Laura,

Thank you for the opportunity to present proposed financing for City of Gonzales. I am submitting for your review the following proposed structure:

ISSUER:	City of Gonzales, Texas	
FINANCING STRUCTURE:	Public Property Finance Contract issued under Local Government Code Section 271.005	
<b>EQUIPMENT COST:</b>	<b>\$ 181,246.50</b>	
TERM:	5 Annual Payments	6 Annual Payments
INTEREST RATE:	3.15%	3.15%
PAYMENT AMOUNT:	\$ 36,871.31	\$ 32,597.36
PAYMENTS BEGINNING:	At signing, annually thereafter	

**Financing for these projects would be simple, fast and easy due to the fact that:**

- ✓ We have an existing relationship with you and have your financial statements on file, expediting the process. Please keep in mind we may also need current year statements.
- ✓ We can provide familiar documentation for your legal counsel.

The above proposal is subject to audit analysis, assumes bank qualification and mutually acceptable documentation. The terms outlined herein are subject to change and rates are valid for fourteen (14) days from the date of this proposal. If funding does not occur within this time period, rates will be indexed to markets at such time.

Our finance programs are flexible and as always, my job is to make sure you have the best possible experience every time you interact with our brand. We're always open to feedback on how to make your experience better. If you have any questions regarding other payment terms, frequencies or conditions, please do not hesitate to call.

With Best Regards,

*Stephanie Cates*

Stephanie Cates  
Client Services  
Main: 817-421-5400

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-14 Authorizing the City Manager to Execute a License Agreement with the Gonzales Little League

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

The City of Gonzales has provided the baseball fields for Gonzales Little League for many years at no cost. In 2021 the City and the Gonzales Little League entered into their first agreement for the use of the facilities. City staff is requesting City Council approve the agreement again for a second year with minor amendments.

City staff has met with the Gonzales Little League Board and reviewed the Agreement together and all parties understand that this agreement is needed. City staff will be available to answer any questions asked by council.

### **POLICY CONSIDERATIONS:**

A License Agreement is needed for citizens utilizing city property.

### **FISCAL IMPACT:**

This License Agreement includes a fee associated with paying the metered electricity of the fields and concession stand the expense the City incurs with utilities of the fields the Little League uses.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION NO. 2022-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH THE GONZALES LITTLE LEAGUE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gonzales desire to execute a facility license agreement for the use of the baseball, softball and T-ball fields at the Independence Park; and,

**WHEREAS**, the provision of opportunities for Gonzales youth to participate in team sports serves an important public purpose of the community; and,

**WHEREAS**, annually city tax dollars go towards funding the maintenance and water provided at the facilities at no charge to the Gonzales Little League and,

**WHEREAS**, within the license agreement the Gonzales Little League is responsible for the metered amount of electricity from February 14<sup>th</sup> – June 30, 2022 or at the end of the season if earlier and the City is notified.

**WHEREAS**, the agreement will be for five months beginning February 14, 2022, through June 30, 2022 for Little League; and,

**WHEREAS**, the City Council of the City of Gonzales hereby finds that the execution of the license agreement with Gonzales Little League is in the best interest of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales hereby approves the License Agreement with Gonzales Little League attached hereto as Exhibit A and authorizes the execution of said Agreement by the City Manager.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

THIS AGREEMENT is entered into by and between the City of Gonzales, a Texas Municipal Corporation, and political subdivision, ("City") acting by and through its City Manager, and Gonzales Little League, ("Little League"), acting by and through its President;

**WITNESSETH:**

**WHEREAS,** League provides athletic opportunities for the youth of the City of Gonzales through the promotion and operation of youth baseball and softball programs; and

**WHEREAS,** the City finds the services provided by League promotes the health, safety, morals and or general welfare of the residents of the City; and

**WHEREAS,** the City has developed a baseball/softball facility (the "Facility") to promote the health, safety, morals and or general welfare of the residents of the City; and

**WHEREAS,** League has requested the use of the Facility for its youth baseball and softball programs and the City has developed a facility use methodology so that the Facility is also available to the general public; and

**WHEREAS,** after consideration at a meeting posted and held in compliance with the Texas Open Meetings Act, the City Council finds that a public purpose is served through the programs herein anticipated and the City's costs shall be recovered only to such extent necessary to insure the continuation of said programs.

**NOW THEREFORE:**

For and in consideration of the following mutual promises and obligations, and for the benefit of the City of Gonzales and health, safety, morals, and/or general welfare of its residents, the parties agree as follows:

**ARTICLE 1.**  
**GRANT OF LICENSE/CONSIDERATION**

- 1.1 The CITY, for and in consideration of the mutual benefits to the CITY and the LITTLE LEAGUE and the observance of the terms and conditions set forth below, hereby grants permission to the LITTLE LEAGUE to enter upon and use all ball fields and related facilities at Gonzales City Softball/Baseball Fields in Independence Park.

## **ARTICLE 2.**

### **USE**

- 2.1 The premises shall be occupied and used by the LITTLE LEAGUE only for recreational purposes. LITTLE LEAGUE agrees and specifically understands that this license is confined to the privilege to use the premises set forth herein on a non-exclusive basis and that the premises herein given does not grant the LITTLE LEAGUE any interest or estate in the premises but is a mere personal privilege to do certain acts of a temporary character upon the premises and that the CITY retains dominion, possession and control of the premises, including access thereto at all times.
- 2.2 LITTLE LEAGUE agrees to provide CITY a schedule of its activities.
- 2.3 LITTLE LEAGUE agrees that its members and any other individuals under its control shall abide by, conform to and comply with all applicable municipal, State and Federal laws, ordinances, rules and regulations and that it will not do or permit to be done anything in violation thereof. If the attention of LITTLE LEAGUE is called to any such violation, LITTLE LEAGUE or those under its control will immediately desist from and promptly correct such violation.
- 2.4 The CITY reserves the right to impose and enforce all necessary and proper reasonable rules for the management and operation of the premises and, in this connection, shall provide the LITTLE LEAGUE with written notice of such rules.
- 2.5 The City hereby grants the LITTLE LEAGUE a non-exclusive license to use the baseball/softball/T-ball fields to hold and conduct baseball and softball games for youth league play, including league games, practices, playoffs, and tournaments, during the term of the agreement. Approved scheduled use of the baseball/softball/T-ball fields is subject to closure and interruption by the City for maintenance, inclement weather, or to preserve and maintain the public health, safety and welfare.

## **ARTICLE 3.**

### **TERM**

- 3.1 The term of this agreement is from February \_\_\_\_, 2022 through June \_\_\_\_, 2022 unless early terminated in accordance with this agreement. Little League and City representatives will perform a walkthrough of all facilities to inspect any necessary repairs or maintenance issues that need to be addressed before start of the term agreement.



**ARTICLE 4.**  
**ACCEPTANCE AND CONDITION OF PREMISES**

- 4.1 The LITTLE LEAGUE has had full opportunity to examine the premises and acknowledges that there is in and about them nothing dangerous to life, limb or health and hereby waives any claim for damages that may arise from defects of that character after occupancy. LITTLE LEAGUE's taking possession of the premises shall be conclusive evidence of LITTLE LEAGUE's acceptance thereof in good order and satisfactory condition, and LITTLE LEAGUE hereby accepts the premises in their present condition as suitable for the purpose for which the license was granted.
- 4.2 LITTLE LEAGUE agrees that no representations respecting the condition of the premises and no promises to alter, repair or improve the premises, either before or after the execution hereof, have been made by CITY or its agents to LITTLE LEAGUE unless the same are in writing and are contained herein or made a part hereof by specific references herein.

**ARTICLE 5.**  
**LIENS PROHIBITED**

- 5.1 LITTLE LEAGUE covenants that it shall not bind, or attempt to bind, CITY for payment of any money in connection with any improvement, repair, alteration in, on or about the premises, whether authorized or unauthorized hereunder.
- 5.2 LITTLE LEAGUE hereby agrees to promptly pay all persons applying labor, services and materials in the performance of any and all repairs, alterations, additions or improvements that may hereafter be made, and LITTLE LEAGUE shall and will fully indemnify and hold harmless the CITY against any and all claims, liens, suits or actions asserted by a person, persons, firm or corporation on account of labor, materials or services furnished to LITTLE LEAGUE during the performance of any said repair, alteration, addition or improvement and against any claim for injury to persons or property.

**ARTICLE 6.**  
**MAINTENANCE**

- 6.1 The CITY at its sole expense shall maintain or cause to be maintained, through the term of this agreement, the grounds of the premises and all improvements in a condition acceptable.
- 6.2 The LITTLE LEAGUE shall, keep the premises free of litter, trash paper and other waste generated during its use of the premises and shall dispose of same in

accordance with CITY policy. The City Manager shall have the right to inspect the premises for cleanliness and sanitary conditions at any and all times, and the LITTLE LEAGUE hereby agrees to promptly correct any deficiencies in maintenance of which it is notified in writing by the City Manager.

- 6.3 The LITTLE LEAGUE shall promptly repair any damage to the premises caused by the use of the premises by the LITTLE LEAGUE or those persons under its control, including replacing any equipment, fixtures and lights. The LITTLE LEAGUE shall have no duty to repair any damage caused by others whom the CITY has authorized to use the premises. Notwithstanding any contrary provisions herein contained, should the premises be damaged by fire, tornado or other act of God, the CITY shall be under no obligation to rebuild or repair the premises.
- 6.4 LITTLE LEAGUE will, at the termination of this agreement, return the premises to CITY in a condition satisfactory to the CITY, usual wear, acts of God, or unavoidable accident only accepted.
- 6.5 LITTLE LEAGUE will drag and mark all of the fields.
- 6.6 ~~Electricity and~~ water shall be provided to the Facility at City's expense. The City will enforce a cap of 30,000 gallons of water per month for all meters combined for LITTLE LEAGUE to use at no charge. Electricity shall be metered beginning March 1 – July 31, 2021 (or when notified that season is over) and the LITTLE LEAGUE will be billed at the end of the season for use of electricity and will reimburse the City of all electric use at the fields and concession stand.
- 6.7 The CITY will provide trash containers in order for the LITTLE LEAGUE to maintain the area in a clean manner. The LITTLE LEAGUE shall pick up all trash and properly dispose of it in the trash containers. The CITY will haul off the trash each morning.
- 6.7 The CITY will perform an initial cleaning and stocking of all restroom facilities, perform a full dragging, tilling, and marking of fields, and make any necessary repairs prior to Opening Day. LITTLE LEAGUE shall be responsible for maintaining and stocking the facilities during the season.
- 6.8 The CITY will maintain the facilities in good condition through term agreement, including mowing, weeding, irrigation, and not permit the existence of any public nuisances thereon, or such other threats to the public health, safety, welfare, and disruption of regular play.
- 6.9 The CITY will allow the LITTLE LEAGUE to use the sound system for opening day and any special tournaments held.

- 6.10 The LITTLE LEAGUE will provide labor and materials to chalk or paint field and baselines after opening day.

## **ARTICLE 7. CONCESSION**

- 7.1 The LITTLE LEAGUE shall have the right to operate a concession for the sale of food, beverages and similar consumable items. No fee for the right to operate said concession stand may be payable to CITY; provided, however, that all profits generated thereby shall be applied to the operation of the LITTLE LEAGUE and to maintenance and improvements to the premises. The LITTLE LEAGUE shall obtain and maintain, at its sole cost and expense, all permits or licenses required for its concession operations hereunder to include the Health Inspection for concessions.
- 7.2 The CITY reserves the right to prohibit the sale, possession and/or consumption of alcoholic beverages and tobacco products on the premises if such prohibition is deemed by the City Council at any time in the future to be in the public's interest. This prohibition applies to the fields, bleachers, concession areas, restrooms and parking areas.

## **ARTICLE 8. FEES**

- 8.1 Parking and attendance at LITTLE LEAGUE events shall be free and open to the public.
- 8.2 LITTLE LEAGUE will be responsible for the metered amount of electricity from February 14 -June 30, 2022 or at the end of the season if earlier and the City is notified. The LITTLE LEAGUE will then be billed for metered amount and will be due by August 15, 2022.

## **ARTICLE 9. Compliance with Applicable Laws.**

- 9.1 LITTLE LEAGUE shall comply with all applicable statutes, ordinances, and local regulations concerning the use, condition, and occupancy of the fields and related property, and ensure that players, coaches, and spectators comply with such laws.

## **ARTICLE 10. INDEMNITY and INSURANCE**

- 10.1 **The LITTLE LEAGUE covenants and agrees to fully indemnify and hold harmless the City of Gonzales, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all costs and expenses for any fines, claims, suits, losses, damages demands, actions or causes of action, or liability of any kind and nature, including but not limited to personal injury or death and property damage, in any way arising out of the execution of this license or in connection with or resulting from any activity or operation of the LITTLE LEAGUE, in, on or about the premises or in connection with its use of the premises or arising out of any condition of the premises caused by the LITTLE LEAGUE, or by reason of such LITTLE LEAGUE's misconduct or any breach, violation or non-performance of any covenant hereof or in any permit; and the LITTLE LEAGUE further agrees to pay all expenses in defending against any such claims made against the CITY, including but not limited to investigation costs, attorney's fees and court costs, except to the extent that the injury, death or damage is caused by the sole active negligence of CITY, its members, agents, officers and employees. It is the express intention of the parties that the attribution of responsibility provided for in this Article is a protection to CITY by LITTLE LEAGUE for events, injuries and damages which are, or which are said to be, the consequences of CITY's negligence or alleged negligence, including where same is the concurring cause of the injury, death or damage; excluding only those injuries, death or damage caused by the sole active negligence of CITY or solely resulting from CITY activities on the premise, as the case may be. The indemnity contained herein shall survive the termination hereof. The indemnity herein shall include appropriate protections against the claims and causes of action referred to in the paragraph below. CITY shall not be liable or responsible for any loss or damage to any property or person occasioned by theft, fire, act of God, public enemy, injunction, riot, strike, insurrection, war, court order, requisition or order of governmental body or authority, or other matter beyond the reasonable control of CITY, or for any damage or inconvenience which may arise through repair or alteration of any part of the premises, or failure to make repairs from any cause whatever except as results from CITY's sole active negligence. The LITTLE LEAGUE and the CITY shall give prompt and timely notice of any**

**claim made or suit instituted which in any way, directly or indirectly, contingently or otherwise, affects or might affect either Little League.**

**10.2 LESSEE agrees to provide and to maintain the following types and amounts of insurance, for the term of this agreement:**

**TYPE: Commercial (Public) Liability - including, but not limited to, (a) Premises/Operations, and (b) Contractual Liability (insuring indemnity provisions).**

**AMOUNT: Combined Single Limit for Bodily Injury and Property Damage: \$1,000,000.00 per occurrence or per claim.**

**LESSEE further agrees that as respects the above-required insurance, LESSOR shall:**

- 1) Be named as an additional insured.**
- 2) Be provided with 30 days advance written notice of cancellation or material change.**
- 3) Be provided notice of any insurance claim filed against the policy naming the City as an additional insured.**

**LESSEE further agrees that with respect of the above-required insurance, it shall provide evidence of insurance to LESSOR to satisfy the insurance requirements of this Lease.**

## **ARTICLE 11. SIGNS**

**11.1 LITTLE LEAGUE hereby agrees not to install or display any sign(s) upon the premises without prior written approval of said sign(s) by the CITY through the City Manager. LITTLE LEAGUE further agrees to comply with such design criteria as may be established and amended from time to time by duly authorized CITY authority and to comply with established sign review procedures for proposed new signs.**

**11.2 LITTLE LEAGUE may erect advertising signs on and around the fields in accordance with these provisions:**

- a) No advertising signs shall be permitted on the premises with the exception of advertising signage located on the press box, concession building, official scoreboard and outfield fences secured by LITTLE LEAGUE. CITY is not**

- responsible for damage, destruction, or vandalism to the advertising signs, except that which is caused by an agent or employee of the CITY.
- b) All advertising signage must be removed and stored by the LITTLE LEAGUE at the end of each season.
  - c) Maximum size of signage is limited to two feet (2') by three feet (3') for structures and is limited to four feet by eight feet (4' x 8') for the fence area along the back perimeter of the field.
  - d) Signs must be constructed professionally and coated with a material to be resistant to normal weather conditions and to resist vandalism efforts.
  - e) Signs must be mounted in a manner to withstand high winds and severe weather.

## **ARTICLE 12.**

### **TERMINATION/REMEDIES**

- 12.1 Either CITY or LITTLE LEAGUE, with or without cause, may cancel this agreement by giving forty five (45) days prior written notice thereof to the other. However, if this agreement is cancelled without cause by the CITY, the CITY shall pay to LITTLE LEAGUE the pro-rata cost of any improvements, approved and authorized by the City, made on the premises by the LITTLE LEAGUE. Such payment shall be made within ninety (90) days from the date of cancellation. Additionally, any breach or violation by LITTLE LEAGUE of the provisions contained in this agreement which is not cured following ten (10) days written notice thereof to LITTLE LEAGUE shall, at the option of the CITY, be cause for termination of this agreement and/or entitle CITY to seek any remedy which now is or may hereafter be provided at law or in equity, whether or not stated herein. No waiver by CITY of a breach or violation on the part of the LITTLE LEAGUE shall be construed or held to be a waiver of any succeeding or preceding breach or violation of the same or any other provision herein contained.

## **ARTICLE 13.**

### **REPORTS (SCHOOL, BASEBALL AND SOFTBALL LEAGUES)**

- 13.1 The LITTLE LEAGUE shall inform the City Manager in writing of the current officers of the LITTLE LEAGUE and promptly advise said City Manager in writing of any changes therein. On each and every anniversary of this agreement and thirty (30) days following termination of this agreement, LITTLE LEAGUE will furnish to the City Manager a report including the following information:
- a) Financial Statement for overall operations of the Gonzales Little League.

- b) Number of volunteers, participants in leagues, teams and ages, ~~a roster~~ of all teams participating in the LITTLE LEAGUE, to include the zip codes of participants.
  - c) Certificate of Insurance (*for the season*).
  - d) Names, and phone numbers for the executive board, and zip codes of all officers and board or committee members, designating a point of contract and two alternate points of contact.
  - e) LITTLE LEAGUE shall submit to the City Manager on or before the seventh (7<sup>th</sup>) day before the season begins the following information:
  - f) A list of all LITTLE LEAGUE's scheduled events at the fields, including but not limited to games, practice games, tournaments, playoffs, with dates and times for such events. Events scheduled after the start of the season or changes to the approved LITTLE LEAGUE schedule must be submitted to and approved by the City Manager no later than seven (7) days prior to the event.
  - g) The LITTLE LEAGUE'S current bylaws and a current certificate of non-profit status as well as proof of completed background checks on each coach and volunteer in the league, as required by Little League International. A copy of the Gonzales Little League Charter and Constitution or a certificate of good standing from Little League International for the Gonzales Little League Chapter may be submitted in lieu of bylaws and non-profit status;
- a) Proof of insurance in the amounts and type required in this agreement.

#### **ARTICLE 14. ASSIGNMENT**

- 14.1 This license is personal to LITTLE LEAGUE, as Licensee, it is non-assignable, and any attempt to assign this license will terminate all privileges granted to LITTLE LEAGUE hereunder.

#### **ARTICLE 15. CONDEMNATION**

- 15.1 It is agreed and understood that in the event that the premises are taken, in whole or in part, by any governmental authority other than CITY, this license and

all rights or permission to use hereunder shall, at the option of the CITY, cease on the date title to such land so taken or transferred vests in the condemning authority. LITTLE LEAGUE hereby waives all rights to any proceeds of such condemnation.

#### **ARTICLE 16.** **ATTORNEY'S FEES**

- 16.1 In the event CITY brings any action under this license alleging that LITTLE LEAGUE hereto has defaulted hereunder, and the CITY prevails, the CITY shall be entitled to recover from the LITTLE LEAGUE hereto its reasonable attorney's fees. The LITTLE LEAGUE hereto which becomes so liable agrees to make prompt payment thereof to the CITY.

#### **ARTICLE 17.** **SEVERABILITY**

- 17.1 The parties hereto agree that if any clause or provision of this license is determined to be illegal, invalid or unenforceable under any present or future Federal, state, or local law, including but not limited to the City Code, or City Ordinances of the City of Gonzales, Texas effective during the term of this license, then and in that event it is the intention of the parties hereto that the remainder of this license shall not be affected thereby, and it is also the intention of the parties to this license that in lieu of each clause or provision of this license that is illegal, invalid or unenforceable, there be added as a part of this license a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

#### **ARTICLE 18.** **AMENDMENT**

- 18.1 No amendment, modification, or alteration of the terms of this agreement shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed and agreed to by the parties hereto.

#### **ARTICLE 19.** **NONDISCRIMINATION**

- 19.1 LITTLE LEAGUE covenants that it, or its agents, employees or anyone under its control, will not discriminate against any individual or group on account of race, color, sex, age, religion, national origin, or handicap, in employment practices or



in the use of or admission to the premises, which said discrimination LITTLE LEAGUE acknowledges is prohibited.

*[Signature Page Follows]*

**EXECUTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022,**

**LITTLE LEAGUE:**

**CITY:**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

\_\_\_\_\_  
Gonzales Little  
League President

\_\_\_\_\_  
City Manager

BY: \_\_\_\_\_

\_\_\_\_\_  
Parks and Recreation Director

ATTEST:

\_\_\_\_\_

City Secretary

## COUNCIL AGENDA ITEM BRIEFING DATA



## AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2022-15 Authorizing an amendment to the Fiscal and Budgetary Policy Statement for the City of Gonzales

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Council is required to review and approve the Financial Policy each year as part of the budget process. The intent of the Financial Policy otherwise known as the Fiscal and Budgetary Policy Statement is to enable the City to achieve a long-term stable and positive financial condition. On September 9, 2021, City Council adopted Resolution 2021-22 Adopting a budget and renewing the City's Financial Policy for the City of Gonzales. City Staff is currently working with their Grant Writer and Texas General Land Office on documentation required for the CDBG-MIT Grant. In order to move forward with the grant an amendment to the Procurement Policy needs to be made to the Purchasing paragraph in Section V. Expenditure Control to include the following language.

**PURCHASING.** All City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas unless otherwise excepted. The City of Gonzales affirms that it will adhere to 2 CFR 200 for all federally funded procurements. The sealed bid requirements established in Chapter 252 of the Local Government Code do not apply to expenditures by a municipality as stated in 252.022, including a municipally owned electric utility in connection with any purchases by the municipally owned utility made in accordance with procurement procedures adopted by a resolution of the body vested with authority for management and operation of the municipally owned utility that sets out the public purpose to be achieved by those procedures. This does not exempt a municipally owned utility from any other applicable statute, charter provision, or ordinance. Additionally, procurement of items that are available from only one source are also exempt. With regard to the operation of an electric utility, this could include items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; gas, water, and other utility services; or captive replacement parts or components for equipment.

Recommendations on purchases and contracts over \$50,000 shall be submitted to the Council by the City Manager for Council approval. Upon Council approval, the City shall confirm the bid award to the successful bidder by means of written City purchase order. The purchase of goods or services by the City totaling \$50,000 or more shall be awarded to the successful bidder by the formal bidding process. Telephone quotes are to be obtained for single item purchases over \$1,000 up to \$10,000. Purchases made over \$10,000 but less than \$50,000 shall require three

written quotes or pricing obtained through any interlocal purchasing authority or cooperative. All purchases over \$2,500 are to be pre-approved and pre-authorized by the City Manager. No purchases shall be made from vendors that are not on the approved vendors list as maintained by the Finance Department. Purchase cards are utilized for purchasing of consumable supplies and must comply with the policies and procedures establish for use of purchase cards.

Historically underutilized businesses (minority and women-owned) have an equal opportunity in the contract awards process. City of Gonzales achieves this goal through complying with Texas Local Government Code Section 252.0215.

If there is any conflict between this Policy and a State or Federal law, or a rule adopted under a State or Federal law, the stricter of the conflicting provisions prevails.

Grants should be administered via a written contractual agreement between the City and the party providing the service. Grants administered by the State are governed by Chapter 2261 of the Texas Government Code, which includes grants in the definition of a contract unless certain criteria are met. All purchases made with grant monies will comply with the terms and conditions of the grant, as well as the City's procedures regarding all purchases. In addition, the City will follow the procurement process guidelines set forth in 2 CFR §200.318- §200.326 for grant administration, environmental, and engineering services if using federal funds to pay third-party vendors for those services. These rules and regulations also apply to procurement of construction services.

### **POLICY CONSIDERATIONS:**

This is consistent with what has been done in the past.

### **FISCAL IMPACT:**

N/A

### **ATTACHMENTS:**

Exhibit "A"

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the approval of this resolution.

## **RESOLUTION 2022-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS AUTHORIZING AN AMENDMENT TO THE FISCAL AND BUDGETARY POLICY STATEMENT FOR THE CITY OF GONZALES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Financial Policy states that Council is required to review and approve it each year as part of the budget process; and

**WHEREAS**, the intent of the Financial Policy otherwise known as the Fiscal and Budgetary Policy Statements is to enable the City to achieve a long-term stable and positive financial condition; and

**WHEREAS**, on September 9, 2021, the City Council adopted Resolution 2021-22 Adopting a budget and renewing the City's Financial Policy for the City of Gonzales; and

**WHEREAS**, City staff is currently working with the Grant Writer and Texas General Land Office on documentation required for the CDBG-MIT Grant.

**WHEREAS**, in order to move forward with the grant, an amendment to the Procurement Policy needs to be made to the Purchasing paragraph in Section V. Expenditure Control to include the following language on Exhibit "A".

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby authorizes an amendment to the Financial Policy for the City of Gonzales with the changes on Exhibit "A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved therein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## Exhibit “A”

**PURCHASING.** All City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas unless otherwise excepted. The City of Gonzales affirms that it will adhere to 2 CFR 200 for all federally funded procurements. The sealed bid requirements established in Chapter 252 of the Local Government Code do not apply to expenditures by a municipality as stated in 252.022, including a municipally owned electric utility in connection with any purchases by the municipally owned utility made in accordance with procurement procedures adopted by a resolution of the body vested with authority for management and operation of the municipally owned utility that sets out the public purpose to be achieved by those procedures. This does not exempt a municipally owned utility from any other applicable statute, charter provision, or ordinance. Additionally, procurement of items that are available from only one source are also exempt. With regard to the operation of an electric utility, this could include items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies; gas, water, and other utility services; or captive replacement parts or components for equipment.

Recommendations on purchases and contracts over \$50,000 shall be submitted to the Council by the City Manager for Council approval. Upon Council approval, the City shall confirm the bid award to the successful bidder by means of written City purchase order. The purchase of goods or services by the City totaling \$50,000 or more shall be awarded to the successful bidder by the formal bidding process. Telephone quotes are to be obtained for single item purchases over \$1,000 up to \$10,000. Purchases made over \$10,000 but less than \$50,000 shall require three written quotes or pricing obtained through any interlocal purchasing authority or cooperative. All purchases over \$2,500 are to be pre-approved and pre-authorized by the City Manager. No purchases shall be made from vendors that are not on the approved vendors list as maintained by the Finance Department. Purchase cards are utilized for purchasing of consumable supplies and must comply with the policies and procedures establish for use of purchase cards.

Historically underutilized businesses (minority and women-owned) have an equal opportunity in the contract awards process. City of Gonzales achieves this goal through complying with Texas Local Government Code Section 252.0215.

If there is any conflict between this Policy and a State or Federal law, or a rule adopted under a State or Federal law, the stricter of the conflicting provisions prevails.

Grants should be administered via a written contractual agreement between the City and the party providing the service. Grants administered by the State are governed by Chapter 2261 of the Texas Government Code, which includes grants in the definition of a contract unless certain criteria are met. All purchases made with grant monies will comply with the terms and conditions of the grant, as well as the City’s procedures regarding all purchases. In addition, the City will follow the procurement process guidelines set forth in 2 CFR §200.318- §200.326 for grant administration, environmental, and engineering services if using federal funds to pay third-

party vendors for those services. These rules and regulations also apply to procurement of construction services.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-16 Approving a Performance Agreement by and between the City of Gonzales and GEDC Concerning Upgrades to the Gonzales Memorial Museum.

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

At its January 24, 2022, meeting, after hearing a presentation from the Gonzales Memorial Museum committee chairman and holding a public hearing, the Gonzales Economic Development Corporation (GEDC) unanimously approved a Performance Agreement by a Between the City of Gonzales and the Gonzales Economic Development Corporation for upgrades to the Gonzales Memorial Museum. The grant is to cover outdated electric infrastructure including all electrical outlets, wires, fixtures, breaker panels for the building to be up to code. Most of the electric infrastructure in the Museum and Amphitheater is original to the building that was constructed in 1936.

Notice was published in the Gonzales Inquirer on January 27, 2022. Meeting all requirements for a qualified project.

### **POLICY CONSIDERATIONS:**

Section 505.152 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children’s sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section.” Since GEDC is providing the funding, it is considered a Project which requires a Performance Agreement. This pertains to funding projects to the city and with the private sector.

### **FISCAL IMPACT:**

The cost of the project should not exceed \$45,000. The funds are included in the current fiscal GEDC Budget. There is no impact to the General Fund.



**ATTACHMENTS:**

Performance Agreement

**STAFF RECOMMENDATIONS:**

GEDC Board and Staff respectfully request City Council action deemed appropriate.

## RESOLUTION NO. 2022-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING A PERFORMANCE AGREEMENT BY AND BETWEEN THE CITY OF GONZALES, TEXAS, AND GONZALES ECONOMIC DEVELOPMENT CORPORATION CONCERNING UPGRADES TO THE GONZALES MEMORIAL MUSEUM, GENERALLY LOCATED AT 414 SMITH STREET, GONZALES, TEXAS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Economic Development Corporation is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended (hereinafter referred to as the “GEDC”); and

**WHEREAS**, Section 505.152 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children’s sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section”; and

**WHEREAS**, GEDC has approved a project with the City of Gonzales, Texas, and the Performance Agreement, a copy of which is attached hereto as ***Exhibit A***; concerning improvements to the Gonzales Memorial Museum, generally located at 414 Smith Street, Gonzales, Texas, and

**WHEREAS**, the City Council of the City of Gonzales, Texas, finds and determines that the expenditure as specified in the Performance Agreement, attached hereto as ***Exhibit A***, meets the definition of “project,” as that term is defined by Section 505.152 of the Texas Local Government Code, and authorizes the project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, THAT:**

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Gonzales, Texas, and are fully incorporated into the body of this Resolution.

Section 2. The City Council of the City of Gonzales, Texas, finds and determines that the project and Performance Agreement attached hereto as ***Exhibit A***, is otherwise consistent with Section 505.152 of the Texas Local Government Code.

Section 3. That the City Council of the City of Gonzales, Texas, authorizes the project and Performance Agreement attached hereto as ***Exhibit A***, and authorizes the Mayor to execute this Resolution and the Performance Agreement.

Section 4. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

---

Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** by and between the **GONZALES ECONOMIC DEVELOPMENT CORPORATION**, a Texas non-profit corporation (hereinafter referred to as the “GEDC”), and the **CITY OF GONZALES, TEXAS**, a Texas home-rule municipality (hereinafter referred to as the “City”), is made and executed on the following recitals, terms and conditions.

**WHEREAS**, the Gonzales Economic Development Corporation (hereinafter referred to as the “GEDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

**WHEREAS**, Section 505.152 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, and improvements found by the board of directors to be required or suitable for use for professional and amateur sports, including children’s sports, athletic, entertainment, tourist, convention, and public park purposes and events, including stadiums, ball parks, auditoriums, amphitheaters, concert halls, parks and park facilities, open space improvements, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities, and related roads, streets, and water and sewer facilities, and other related improvements that enhance any of the items described by this section”; and

**WHEREAS**, City has applied to GEDC for financial assistance for certain upgrades to the Gonzales Memorial Museum, generally located at 414 Smith Street, Gonzales, Texas (hereinafter referred to as the “Property”); and

**WHEREAS**, the GEDC’s Board of Directors have determined the financial assistance provided to City is consistent and meets the definition of “project” as that term is defined in Section 505.152 of the Texas Local Government Code; and the definition of “cost” as that term is defined by Section 501.152 of the Texas Local Government Code; and

**WHEREAS**, City agrees and understands that Section 501.073(a) of the Texas Local Government Code requires the City Council of the City of Gonzales, Texas, to approve all programs and expenditures of the GEDC, and accordingly this Agreement is not effective until City Council has approved this project at a City Council meeting called and held for that purpose.

**NOW, THEREFORE**, for and in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the GEDC and City agree as follows:

### **SECTION 1. FINDINGS INCORPORATED.**

The foregoing recitals are hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

## **SECTION 2. TERM.**

This Agreement shall be effective as of the Effective Date, as defined herein, and shall continue thereafter until **December 31, 2023**, unless terminated sooner under the provisions hereof.

## **SECTION 3. DEFINITIONS.**

The following words shall have the following meanings when used in this Agreement.

- (a) **Act.** The word “Act” means Chapters 501 to 505 of the Texas Local Government Code, as amended.
- (b) **Agreement.** The word “Agreement” means this Performance Agreement, together with all exhibits and schedules attached to this Agreement from time to time, if any.
- (c) **City.** The words “City” means the City of Gonzales, Texas, a Texas home-rule municipality, whose address for the purposes of this Agreement is 820 Saint Joseph Street, Gonzales, Texas 78629.
- (d) **Effective Date.** The words “Effective Date” mean the date of the latter to execute this Agreement by and between the City and the GEDC.
- (e) **Event of Default.** The words “Event of Default” mean and include any of the Events of Default set forth below in the section entitled “Events of Default.”
- (f) **GEDC.** The term “GEDC” means the Gonzales Economic Development Corporation, a Texas non-profit corporation, its successors and assigns, whose corporate address for the purposes of this Agreement is 820 Saint Joseph Street, Gonzales, Texas 78629.
- (g) **Property.** The word “Property” means the Gonzales Memorial Museum located at 414 Smith Street, Gonzales, Gonzales County, Texas.
- (h) **Qualified Expenditures.** The words “Qualified Expenditures” mean those costs associated with electrical upgrades to the Gonzales Memorial Museum located on the Property, and which meet the definition of “project” as that term is defined in Section 505.152 of the Act, and meet the definition of “cost” as that term is defined in Section 501.152 of the Act.
- (i) **Term.** The word “Term” means the term of this Agreement as specified in Section 2 of this Agreement.

#### SECTION 4. AFFIRMATIVE COVENANTS OF THE CITY.

City covenants and agrees with GEDC that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Reimbursement.** The City shall be entitled to reimbursement from GEDC in the amount not to exceed **Forty-Five Thousand and No/100 Dollars (\$45,000.00)** for Qualified Expenditures. City covenants and agrees to submit to the GEDC invoices, receipts, or other documentation of the Qualified Expenditures in a form acceptable to the GEDC prior to any reimbursement. City covenants and agrees to provide to the GEDC said invoices, receipts, or other documentation by **December 31, 2022**.
- (b) **Operate Gonzales Memorial Museum.** City agrees to keep open to the general public during normal operating hours during the Term of this Agreement the Gonzales Memorial Museum located on the Property.
- (c) **Performance Conditions.** City agrees to make, execute and deliver to GEDC such other promissory notes, instruments, documents and other agreements as GEDC or its attorneys may reasonably request to evidence the Loans.
- (d) **Performance.** City agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements between City and GEDC.

#### SECTION 5. AFFIRMATIVE COVENANTS OF GEDC.

GEDC covenants and agrees with City that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Financial Assistance for Qualified Expenditures.** GEDC covenants and agrees to submit reimbursement for Qualified Expenditures made by the City pursuant to Section 4(a) of this Agreement, in an amount not to exceed the lesser of **Forty-Five Thousand and No/100 Dollars (\$45,000.00)** or the aggregate amount of said invoices, receipts, or other documentation submitted by the City to GEDC within thirty (30) days of receipt of said documentation.
- (b) **Performance.** GEDC agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between the City and GEDC.

#### SECTION 6. EVENTS OF DEFAULT.

Each of the following shall constitute an Event of Default under this Agreement:

- (a) **General Event of Default.** Failure of City or GEDC to comply with or to perform any other term, obligation, covenant or condition contained in this Agreement, or failure of City or GEDC to comply with or to perform any other term, obligation, covenant or condition contained in any other agreement by and between City and GEDC is an Event of Default.
- (b) **False Statements.** Any warranty, representation, or statement made or furnished to GEDC by or on behalf of City under this Agreement that is false or misleading in any material respect, either now or at the time made or furnished is an Event of Default.

## **SECTION 7. EFFECT OF AN EVENT OF DEFAULT.**

In the event of default under Section 6 of this Agreement, the non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to cure said default. Should said default remain uncured as of the last day of the applicable cure period, and the non-defaulting party is not otherwise in default, the non-defaulting party shall have the right to immediately terminate this Agreement. In the event, City defaults and is unable or unwilling to cure said default within the prescribed time period, the amounts provided by the GEDC to City pursuant to Section 5(a) of this Agreement shall become immediately due and payable by City to the GEDC.

## **SECTION 8. MISCELLANEOUS PROVISIONS.**

The following miscellaneous provisions are a part of this Agreement:

- (a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- (b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Gonzales County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of Gonzales County, Texas.
- (c) **Assignment.** This Agreement may not be assigned without the express written consent of the other party.
- (d) **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. City warrants and represents that the individual or individuals executing this Agreement on behalf of City has full authority to execute this Agreement and bind City to the same. GEDC warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind it to the same.

- (e) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (f) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (g) **Notices.** All notices required to be given under this Agreement shall be given in writing and shall be effective when actually delivered or when deposited in the United States mail, first class, postage prepaid, addressed to the party to whom the notice is to be given at the address shown in Section 3 of this Agreement. Any party may change its address for notices under this Agreement by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, City agrees to keep GEDC informed at all times of City's current address.
- (h) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (i) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.

**[The Remainder of this Page Intentionally Left Blank]**



**THE PARTIES ACKNOWLEDGE HAVING READ ALL THE PROVISIONS OF THIS PERFORMANCE AGREEMENT, AND THE PARTIES AGREE TO ITS TERMS. THIS AGREEMENT IS EFFECTIVE AS OF THE EFFECTIVE DATE AS IS PROVIDED HEREIN.**

**CITY:**

***CITY OF GONZALES, TEXAS,***  
a Texas home-rule municipality,

By: \_\_\_\_\_  
Connie L. Kacir, Mayor  
Date Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
Kristina Vega, City Secretary

**GEDC:**

***GONZALES ECONOMIC DEVELOPMENT CORPORATION,***  
a Texas non-profit corporation

By: \_\_\_\_\_  
Andy Rodriguez, President  
Date Signed: \_\_\_\_\_

## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-17 Accepting the proposals and awarding the contract for the Gonzales Memorial Museum and Amphitheatre Reflecting Pool Recirculating Pump project

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

City staff desires to have a recirculating pump installed for the reflection pool at the museum. This will allow the reflection pool to be maintained all year long with a chlorinating system and will overall improve the appearance of the reflection pool and essentially the Museum. The filtration and circulation pumps will also eliminate stagnant water and create a better circulation of the water to improve the water quality and the overall appearance.

The RFP was posted for a fourth (4) time on Tuesday, January 4, 2022, with proposals due on Thursday, January 27, 2022, at 2:00 P.M. The City of Gonzales received two (2) responses to the RFP, Progressive Commercial Aquatics in the amount of \$145,682.28, and Aquatic Reflections, Inc. in the amount of \$103,395.98. The amount of the proposal from Aquatic Reflections, Inc. with an alternate #A deduct would be \$97,495.98. The alternate #A deduct would reduce the project by \$5,900 and it is to replace a concrete recirculating pump vault with a fiberglass vault. This amount would be \$27,495.98 greater than what is budgeted. Staff feels that if we do not move forward with this project that we will lose the grant from GVEC in the amount of \$20,000 for this project.

### **POLICY CONSIDERATIONS:**

As set forth in the City's Fiscal and Budgetary Policy Statements; All City purchases and contracts over \$50,000 shall conform to a competitive bidding process as set forth in Chapter 252 of the Local Government Code of Texas.

### **FISCAL IMPACT:**

City staff budgeted the following amounts: Hotel/Motel GL account 500-7-811.526 will pay \$20,000, Museum's Restricted Use fund GL account 500-7-812.640 will pay \$25,000 because they received \$20,000 in Power Up Grant and \$5,000 from Spade & Trowell Club that was specifically for the reflection pond. The General Fund GL account 100-7-660.640 will pay \$25,000. This was budgeted in the 19-20 and 20-21 budget but was not completed and thus reallocated within the current 2021-2022 Budget, for a total of \$70,000 towards this project. A budget amendment to the General Fund will be done at a later time in the amount of \$27,495.98.

**ATTACHMENTS:**

Tabulation

**STAFF RECOMMENDATION:**

Staff respectfully recommends City Council award the bid to Aquatic Reflections, Inc.

**RESOLUTION NO. 2022-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS ACCEPTING THE PROPOSALS AND AWARDING THE CONTRACT FOR THE GONZALES MEMORIAL MUSEUM AND AMPHITHEATRE REFLECTING POOL RECIRCULATING PUMP PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, this was budgeted in the 19-20 and 20-21 budget but was not completed and city staff solicited proposals for the installation of a filtration and circulation pumps for the reflection pond as per Chapter 252 of the Local Government Code; and,

**WHEREAS**, the advertisements for the Request for Proposals were published in the newspaper for two consecutive weeks beginning Thursday, January 6, 2022; and,

**WHEREAS**, the proposals were due to be received by the City of Gonzales on Thursday, January 27, 2022 at 2:00 p.m.; and,

**WHEREAS**, two (2) proposals were received, one from Progressive Commercial Aquatics in the amount of \$145,682.28 and the other from Aquatic Reflections, Inc. in the amount of \$103,395.98, with an alternate #A deduct to total \$97,495.98; and,

**WHEREAS**, \$70,000.00 was allocated within the 2021-2022 Fiscal Year Budget; and

**WHEREAS**, a budget amendment to the General Fund will be done at a later time in the amount of \$27,495.98; and

**WHEREAS**, the City Council finds that negotiating and entering into an agreement with Aquatics Reflections, Inc. for the installation of a filtration and circulation pumps for the reflection pond would be in the best interest of the City and its citizens and will further promote the public health, safety, and general welfare of the City; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas accepts the proposals and awards the contract for the Gonzales Memorial Museum and Amphitheatre Reflecting Pool Recirculating Pump project to Aquatic Reflections, Inc. in the amount of \$97,495.98.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

# Bid Evaluation and Summary

## **Reflecting Pool Recirculating System** City of Gonzales - Gonzales Memorial Museum & Amphitheatre

# BIDDERS CONTACTED

## **AQUATIC REFLECTIONS, INC.**

P. O. Box 1237  
Hutto, Texas 78634  
512 596 2928

## **ARS SPECIALTY CONTRACTORS / GARREN CO.**

307 Lombrano Street  
San Antonio, Texas 78207  
210 736 4224

## **BLUETOPIA POOL SERVICES**

832-651-4068

## **CODY POOLS**

5117 S IH 35  
Georgetown, Texas 78626  
512 948 0036

## **KEITH ZARS POOL**

17427 San Pedro  
San Antonio, Texas 78232  
210 494 0800

## **NEW BRAUNFELS POOL & SPA COMPANY**

1937 IH 35 S, Suite 100  
New Braunfels, Texas 78130  
830 660 6270

## **PREMIER POOLS & SPAS**

979 968 8361

## **PROGRESSIVE COMMERCIAL AQUATICS**

15616 Schmidt Loop  
Manor, Texas 78653  
512 278 0801

## **RYCARS CONSTRUCTION, LLC**

316 W. 12<sup>th</sup> Street, 6<sup>th</sup> Floor  
Austin, Texas 78701  
512 650 0212

## **SANCHEZ POOLS & SPAS**

14726 Bulverde Road  
San Antonio, Texas 78247  
210 732 5202

## **TRITON POOLS**

17920 Huffmeister, Suite 100  
Cypress, Texas 77429  
281 387 9708

## **CYPRESS CUSTOM POOLS**

12111 Spring Cypress Rd, Suite D  
Tomball, Texas 77377  
281 951 6113

## **POOL LAGOONS OF TEXAS**

28991 Interstate 10 frontage Rd, Suite 106  
Boerne, Texas 78006  
210 389 8672

# BID PROPOSALS SUBMITTED

## **AQUATIC REFLECTIONS, INC.**

P. O. Box 1237  
Hutto, Texas 78634  
512 596 2928

## **PROGRESSIVE COMMERCIAL AQUATICS**

15616 Schmidt Loop  
Manor, Texas 78653  
512 278 0801



# BID TABULATIONS

Calculation of Base Bid Only

General Contractor	Base Bid Proposal	Alternate #A	Alternate #B	Alternate #C	Alternate #D	Days
<b>Aquatic Reflections, Inc.</b>	<b>\$ 103,395.98</b>	<b>(\$ 5,900.00)</b>	<b>\$ 2,500.00</b>	<b>\$ 5,500.00</b>	<b>\$ 14,000.00</b>	<b>45</b>
Progressive Commercial Aquatics	\$ 145,682.28	N/A	\$ 8,500.00	N/A	N/A	35

Alternate #A – **DEDUCT** – Provide Fiberglass Vault with all associated items in lieu of concrete vault

Alternate #B – **ADD** – Provide an approved rated UV/Ozone Sanitation System

Alternate #C – **ADD** – Provide Basecrete Structural Waterproofing of existing pool

Alternate #D – **ADD** – Repaint Pool with Epoxy Pool Paint

## RECOMMENDATION

**Considering the evaluation based on the criteria and requirements outlined by the specifications and accepting Bid Alternate #A which reduces the bid proposal amount to \$97,495.98  
we recommend...**

**Aquatic Reflections, Inc.**



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-18 Accepting the donation of a Little Free Library to be used at J.B. Wells Park

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Sesame Study Club would like to donate to the community of Gonzales a '**LITTLE FREE LIBRARY**' (i.e., LFL). They have ordered and received the LFL and it is ready to be placed in the ground. Their club will supply the books on a regular basis but we will need help from the city to install the library in an agreed location. Our club will arrange for publicity with the newspaper. The location that they have proposed is at JB Wells Park.

### **POLICY CONSIDERATIONS:**

It is consistent with current policy for City Council to determine if it is in the City's best interest whether to accept the donation of the asset.

### **FISCAL IMPACT:**

The approximate value of the asset is \$400.00 for the '**LITTLE FREE LIBRARY**'. The city will have to accept responsibilities for the asset and assume the cost of the installation to be a two-man crew in the sum of approximately \$250.00 for labor. However, in the event that there must be repairs to the LFL, the Sesame Study Club would assume the costs for those repairs.

### **ATTACHMENTS:**

Photos of the '**LITTLE FREE LIBRARY**' and gift document

### **STAFF RECOMMENDATION:**

Staff respectfully recommends the City Council take the action they deem necessary.

## **RESOLUTION NO. 2022-18**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS ACCEPTING THE DONATION OF A LITTLE FREE LIBRARY TO BE USED AT J.B. WELLS PARK; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, as per Local Government Code Section 332.006 a municipality or county may accept a grant, a lease, a loan or devise of real estate, a gift or bequest of money, either principal or income, or any other personal property for temporary or permanent use for the establishment, operation, or support of public recreation facilities and programs; and,

**WHEREAS**, Sesame Study Club would like to give to the community of Gonzales a '**LITTLE FREE LIBRARY**' (i.e., **LFL**) and will supply the books on a regular basis; and,

**WHEREAS**, the approximate value of the asset including installation is \$400.00; and,

**WHEREAS**, the City Council finds that accepting the donation from the Sesame Study Club of a '**LITTLE FREE LIBRARY**' (i.e., **LFL**) is in the best interest of the City of Gonzales.

### **NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas accepts the donation from the Sesame Study Club of a '**LITTLE FREE LIBRARY**' (i.e., **LFL**) with an approximate value of \$400.00 to be used at J.B. Wells Park.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject

matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

---

Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **OUR PROPOSAL TO THE CITY/COUNTY OF GONZALES – Jan 25, 2022**

Sesame Study Club would like to give to the community of Gonzales a 'LITTLE FREE LIBRARY' (i.e., LFL). We have ordered and received the LFL and it is ready to be placed in the ground. Our club will supply the books on a regular basis but we will need help from the city to install the library in an agreed location. Our club will arrange for publicity with the newspaper.

### **WHAT IS SESAME STUDY CLUB?**

SESAME STUDY CLUB is a local women's club which has been committed to sparking reading and knowledge since 1929. Ninety-three years ago, our club members helped create and support the city library and more recently we've supported "FRIENDS OF THE LIBRARY" monetarily as our main project in Gonzales. Additionally, we are now interested in supporting LITERACY and LEARNING in a broader sense in our community.

### **OUR THOUGHTS AND RESEARCH -**

Knowing there are already two Little Free Library's in our Gonzales community, Sesame would like the placement of our donated LFL to be located at the JB Wells Park for these reasons below:

The JB Wells Park is one of the most visited places in the town, not only by its residents but from other cities. Both adults, teens, and children use the park. We have noticed many of the people attending the events have a lot of time on their hands where they sit and wait for their child, husband, wife, sibling, or friend to perform in their timed event. Also, many of the riders or their parents who help with their horses are busy during the day in their paid jobs or working with their livestock when the city library is open, therefore, they don't frequent a public library.

Sesame Study Club feels the eventers and visitors who come to the arena have time on their hands while at the areana, and might enjoy grabbing a magazine or book to read during their downtime or when they spend the night in their horse trailers or hotels. Additionally, there other special events or camping organizations who rent the grounds that could be served by the LFL. The LFLs are very user-friendly for anyone and everybody, no matter the age. - We feel the LFL at JB Wells will be a good ambassador to the community.

### **OTHER INFORMATION -**

We met with Arena Manager **Amada Garza**, and she showed us locations at the JB Wells Park to considered for the LFL. They are very well illuminated for night-time visibility and safety, and are on roads that are not muddy to approach the area. The Arena Manager was excited to have a LFL as something extra on the grounds to offer people coming to our community especially when we told her guests to the city will be able to find the LFL on their smart phones just by searching for the LFLs of the world.

**CONTACT PERSON: JENICE BENEDICT** – Treasurer of Sesame Study Club 2021-22 - HM Phone # 830-540-4700  
jenice4LR@gmail.com

Contact person:  
Mrs. Jenice Benedict  
HM # 830-540-4700  
Sesame Study Club Treasurer

The proposed gift to the community of Gonzales is a 'LITTLE FREE LIBRARY,' a donation from Sesame Study Club of Gonzales. Sesame is committed to inspiring readers in our community and sparking knowledge.

## Easy Care Composite Two Story – Red

## Little Free Library -



The library comes with a complimentary standard charter sign. Charter signs have your library's unique charter number and it's your key to registering your library on the Little Free Library world map. Your charter sign will be in an envelope on the outside of your library shipping box.

## What does "Easy Care" mean?



Assembled with eco-friendly plastic lumber made out of recycled milk jugs  
Negligible water absorption so mold and mildew cannot penetrate surface  
Corrosion free  
Pest free. Bugs, insects and termites cannot infiltrate below the surface

Resistant to UV and harsh weather climates  
Easy to clean, mild soap and rinse with water will do  
No splintering, cracking or warping  
Surface embossed textures available for slip-resistance and aesthetic design  
Resistant to most chemical exposures  
95% recycled content certification meeting FTC Green Guidelines  
Composite Two Story Blue Details:

Library ships within 7-10 business days  
Weighs 27 lbs  
See product photo for library dimensions  
Handcrafted in America by Amish artisans in the USA

The LFL will be attached to a pole with a driving screw at the end.



## **COUNCIL AGENDA ITEM BRIEFING DATA**



## **AGENDA ITEM**

Discuss, Consider & Possible Action on Resolution #2022-19 Approving the TexasEDConnection 2022 Partnership Agreement by and Between the GEDC and Day One Experts, LLC.

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

At its January 24, 2022, meeting, the Gonzales Economic Development Corporation (GEDC) unanimously agreed to participate in the TexasEDConnection for economic development marketing services. The scope of work includes:

- Brand representation on the TexasEDConnection.com website.

- Exclusive Partner social media feature a minimum of three times in 2022 to targeted prospects.
- Access to leads generated by TexasEDConnection's aggressive marketing outreach for personal follow-up.
- Two VIP Invitations to the TexasEDConnection's annual Summer Partner Palooza including a status report, industry education & networking.
- Access to the exclusive TexasEDConnection online portal for educational content, resource library assets and economic development best practices.
- Access to monthly coaching sessions and educational opportunities with third party vendor partners.
- Partner will receive first right of refusal to any additional sponsorship elements secured for the 2022 campaign

### **POLICY CONSIDERATIONS:**

GEDC is authorized to enter into marketing agreements. Further, GEDC may engage in economic development marketing activities consistent with the Development Corporation Act, and with the approval of the GEDC Board of Directors and City Council.

### **FISCAL IMPACT:**

Participation cost to the GEDC is \$4,250 which is included in the current fiscal year budget.

### **ATTACHMENTS:**

TexasED Connection 2022 Partnership Agreement

**STAFF RECOMMENDATIONS:**

GEDC Board and Staff respectfully request City Council action deemed appropriate.

## **RESOLUTION NO. 2022-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING THE TEXASEDCONNECTION 2022 PARTNERSHIP AGREEMENT BY AND BETWEEN THE GONZALES ECONOMIC DEVELOPMENT CORPORATION AND DAY ONE EXPERTS, LLC; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, the Gonzales Economic Development Corporation is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended (hereinafter referred to as the “GEDC”); and

**WHEREAS**, the City Council of the City of Gonzales, Texas, desires to approve the TexasEDConnection 2022 Partnership Agreement by and between the Gonzales Economic Development Corporation and Day One Experts, LLC, a copy of which is attached hereto as *Exhibit A* and is incorporated herein for all purposes (hereinafter referred to as the “Agreement”).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, THAT:**

Section 1. The City Council of the City of Gonzales, Texas, does hereby approve the Agreement, a copy of which is attached hereto as *Exhibit A*, and is incorporated herein for all purposes.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

---

Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary



## TexasEDConnection 2022 Partnership Agreement

Please allow this to serve as a partnership agreement on Tuesday, January 25, 2022 between Day One Experts and Gonzales Economic Development Corporation (Partner) for the TexasEDConnection Program, for services and deliverables mentioned below.

This Partnership agreement will be in effect for the period of January 31, 2022 to January 31, 2023. All Partner obligations must be paid in full by February 28, 2022 to be included in comprehensive 2022 Marketing Initiatives. Terms of this agreement are Net 30.

TexasEDConnection agrees to deliver to Partner the following deliverables during the 2022 Program Year:

- Brand representation on the TexasEDConnection.com website.
- Exclusive Partner social media feature a minimum of three times in 2022 to targeted prospects.
- Access to leads generated by TexasEDConnection's aggressive marketing outreach for personal follow-up.
- Two VIP Invitations to the TexasEDConnection's annual Summer Partner Palooza including a status report, industry education & networking.
- Access to the exclusive TexasEDConnection online portal for educational content, resource library assets and economic development best practices.
- Access to monthly coaching sessions and educational opportunities with third party vendor partners.
- Partner will receive first right of refusal to any additional sponsorship elements secured for the 2022 campaign (outlined below).

Partner Cost/Investment: \$4,250

Total Partner Cost/Investment: \$4,250

TexasEDConnection Partners agree to provide TexasEDConnection the appropriate contact information, social media addresses, logos and all other needed collateral materials by announced deadlines in order to receive maximum exposure during the 2022 TexasEDConnection Marketing campaigns.

Gonzales Economic Development Corporation  
820 St. Joseph St., Gonzales, TX 78629  
Jennifer Kolbe

Day One Experts, LLC  
6160 Warren Parkway, Suite 100, Frisco 75034  
Paul Tarrants

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature  Date 1.25.22



## COUNCIL AGENDA ITEM BRIEFING DATA



## AGENDA ITEM

Discuss, Consider & Possible Action on Resolution #2022-20 Approving Changes to the Administrative Assistant to President/CEO Job Description and Current Position Classifications for Fiscal Year 2021-2022 within the Economic Development Corporation Department

**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Resolution

### **BACKGROUND:**

Economic development is a highly administrative intensive endeavor. It requires leadership and organization. To be successful we must have an effective leader and support staff to ensure the organization is able to act quickly while staying in compliance with all applicable laws.

To grow the sales tax income, and tax base, staff must have time to ensure the prospect pipeline (marketing), land development (infrastructure), workforce pipeline, and a million other gears are moving at a brisk pace. While those pipelines are moving, paperwork in the form of agendas, minutes, performance agreements and resolutions must also move forward. You may not realize it, but most action taken at the GEDC meeting must be ratified by City Council which means that after agreements are approved, staff must then provide the City Secretary a Resolution and Cover sheet to appear on the City Council agenda. Then, subsequent productions of the ratified agreements must be executed by the GEDC and the entity with whom the agreement is being made. It's a series of paper trails required to remain in compliance.

Over the past year the GEDC has had many successes.

- Ace Invest Performance Agreement LLC façade grant paid out \$15,000  
(Still need marketing photos and testimonial to stay in compliance before 12/2021)
- Main Street Sidewalks Grant match \$50,000  
(Report to be given 9/27/2021)
- Airport Plan Study Grant match \$15,000  
(Next Airport Advisory meeting is scheduled for 9/30/2021)
- Pressure Plane Study \$25,000  
(Report received 10/2021 to Council 11/2022)
- FUMC Stockton Youth Center Main Street Grant \$15,000  
(Extended 9/27/2021)
- Laurel Ridge Main Street Grant \$52,000  
(Extended 9/27/2021)
- Lynn Theater Roof Completed \$48,000
- Gonzales Chamber of Commerce and Agriculture \$250,000

- (Performance agreement never executed due to change in scope of the project)
- 2521 Harwood Road Land Purchase \$510,000
  - (30 acres for industrial development)
  - Retail Study \$15,000
  - Gonzales Memorial Museum Grant to the City of Gonzales \$45,000
  - Events to date:
    - Infrastructure Roundtables
    - Real Estate Roundtable
    - Job Fairs
  - Staff continuously works with Victoria College and Golden Crescent Workforce Solutions on workforce training programs beneficial to Gonzales.
  - Gonzales, Waelder and Nixon-Smilely ISD Career Fair set for 3/23/2022.
  - Flag inventory-evaluation. All flags have been repaired, storage containers purchased and delivered to the warehouse to properly store the flags.
  - Covid-19 Grant Compliance – reports from companies are no longer due. Board needs to decide on non-compliance. Staff needs to finish entering data.
  - Resolution to defaulted Agreement with 515NSJ, LLC Performance Agreement  
(Per city inspection, project is default again.)
  - Loans: Alcalde Hotel and Dillworth Loans are closed out. Guerra and WinBin and Finlay's are being renegotiated.
  - Amendment to Article of Incorporation approved by Board and City Council filed with Secretary of State completed.
  - Budget was adopted 8/23/2021. New budget went into effect 10/01/2021. Budget planning for 2021-2022 begins in February 2022.
  - Administrative Services Agreement with the City. New agreement went in effect 10/01/2021 expires 09/30/2022.
  - Newly elected official onboarding completed 8/27/2021
  - Administrative Services Agreement Main Street approved by the GEDC board, pending Main Street and Council Approval expected completion date of 1/15/2022
  - Joined Austin Manufacturers Association
  - Participating in the Victoria Economic Development Corporation Regional Plan
  - Expanding our marketing efforts through the TexasED Connection Partnership

Each of these successes requires many steps and a significant addition to the paper trail. It has become increasingly clear that we have accomplished a great deal in a short period, and we wish to grow our list of accomplishments. To do this we need your help. You can help by allowing us to add staff. On Monday, January 24, 2022, the GEDC board unanimously approved the attached job description wage rates and voted to recommend to you that we add an Administrative Assistant to the EDC staff. We understand that adding staff can pose a issues with public opinion, but by adding staff we believe we can increase productivity and add even more successes to our list. We simply cannot perform at a higher rate of success without the extra help.



By adding an Administrative Assistant to our team, the director can focus on strategic planning, deal making, marketing, and growing our outreach. The director can be laser focused on increasing the sales tax and property tax income. The income generated through economic development efforts allows the city to have funds for essential services such as police and fire protection and for repairs of deferred infrastructure. With all projects reviewed and/or acted upon by the GEDC, enhancing the sales tax and property tax income is firmly established at the forefront of our decisions because this is what helps our city grow.

Essentially, the GEDC board has decided we want the EDC team to grow and thrive. We realize by doing this it takes an investment of money. As with any good investment, the more we put in the more returns we will see in the form of sales and property taxes. We don't wish to be a burden to Gonzales City Government and, thus, the added expense of this position will be incurred by the GEDC. We hope you will see this addition as the GEDC board does, as an investment in the future of Gonzales. Through your support, we can do this.

### **POLICY CONSIDERATIONS:**

The City of Gonzales and the GEDC are authorized to hire staff to provide for the administration of one or more programs, including programs for making loans, and grants of public money and providing personnel and services of the municipality, to promote state or local economic development to stimulate business and commercial activity in the municipality.

### **FISCAL IMPACT:**

The position is not funded in the current fiscal year budget and will require a budget amendment approved by the GEDC board. GEDC employees are considered City employees, so GEDC does incur the extra cost associated by purchasing insurance and offering a retirement plan. GEDC reimburses the city for all cost through an annual Administrative Services Agreement. All salaries and expenses are paid from dedicated sales tax revenue and do not impact the General Fund.

The EDC board would like flexibility regarding within the ranges provided based on the candidates experience and qualifications. A budget amendment from \$44,335.59 to \$51,769. This is only personnel expenses for salary and does not include anything else. There will also be costs associated with office equipment and furniture, as well as other administrative costs.

### **ATTACHMENTS:**

Position Description and Salary Considerations

### **STAFF RECOMMENDATIONS:**

GEDC Board and Staff respectfully request City Council action deemed appropriate.

**RESOLUTION NO. 2022-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS, APPROVING CHANGES TO THE ADMINISTRATIVE ASSISTANT TO PRESIDENT/CEO JOB DESCRIPTION AND CURRENT POSITION CLASSIFICATIONS FOR FISCAL YEAR 2021-2022 WITHIN THE ECONOMIC DEVELOPMENT CORPORATION DEPARTMENT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the job descriptions for the City of Gonzales employees are set in place to accurately describe the major responsibilities, essential functions and minimum requirements of each position; and

**WHEREAS**, it is the desire of staff to present the amended job descriptions and classifications to City Council for review and final approval; and

**WHEREAS**, the City Council and City Manager find there is a need to ensure that the job descriptions and job classifications are up to date with the most current departmental practices; and

**WHEREAS**, the City Council finds that approving the City of Gonzales job descriptions and job classifications as described herein will further promote the public health, safety, and general welfare of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas approves Changes to the Administrative Assistant to President/CEO Job Description and Current Position Classifications for Fiscal Year 2021-2022 within the Economic Development Corporation Department as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

---

Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

**BASED ON \$15 AN HOUR****1-PERSONNEL EXPENSE**

7-700.106 Salaries	31,200.00
7-700.107 Overtime	270.00
7-700.109 Longevity Pay	0.00
7-700.110 F.I.C.A.	2,407.46
7-700.111 Unemployment	252.00
7-700.112 Retirement TMRS	3,219.38
7-700.113 Workers Compensation	70.19
7-700.114 Medical Insurance	6,852.00
7-700.116 Life Insurance	64.56
7-700.117 Other (Uniforms)	0.00
<b>***CATEGORY TOTAL ***</b>	<b>\$44,335.59</b>

**BASED ON \$20 AN HOUR****1-PERSONNEL EXPENSE**

7-700.106 Salaries	41,600.00
7-700.107 Overtime	360.00
7-700.109 Longevity Pay	0.00
7-700.110 F.I.C.A.	3,209.94
7-700.111 Unemployment	252.00
7-700.112 Retirement TMRS	4,292.51
7-700.113 Workers Compensation	93.59
7-700.114 Medical Insurance	6,852.00
7-700.116 Life Insurance	64.56
7-700.117 Other (Uniforms)	0.00
<b>***CATEGORY TOTAL ***</b>	<b>\$56,724.60</b>

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**GEDC BUDGET FY 21-22****BASED ON \$18 AN HOUR****1-PERSONNEL EXPENSE**

7-700.106 Salaries	37,440.00
7-700.107 Overtime	324.00
7-700.109 Longevity Pay	0.00
7-700.110 F.I.C.A.	2,888.95
7-700.111 Unemployment	252.00
7-700.112 Retirement TMRS	3,863.26
7-700.113 Workers Compensation	84.23
7-700.114 Medical Insurance	6,852.00
7-700.116 Life Insurance	64.56
7-700.117 Other (Uniforms)	0.00
<b>***CATEGORY TOTAL ***</b>	<b>\$51,769.00</b>

This is just personnel expenses for salary and does not include anything else and I used the overtime amounts provided by Jennifer. You would need to get a quote from the phone company to run a phone line to your proposed office and a quote from IT to run the internet and whatever other lines are needed for a computer to be there. IT will not consider this part of the monthly fee the City pays, it will be billed out separately. We do not have any extra phones so you will need to purchase a phone from iPro.

POSITION CLASSIFICATION		
DEPARTMENT	EEO CLASS	FLSA
100-102 Administration		
City Manager	Professional-01	Exempt
Superintendent of Public Works	Officials/Administrative-15	Exempt
Special Project Manager	Officials/Administrative-15	Exempt
Communications Manager	Officials/Administrative-15	Exempt
100-103 Community Development		
Building Official	Officials/Administrative-10	Exempt
Building Inspector	Officials/Administrative-10	Non-exempt
Code Compliance Officer	Administrative Support-15	Non-exempt
100-105 Main Street		
Main Street Manager	Administrative Support-01	Exempt
100-107 Building Maintenance		
Janitor	Service/Maintenance-15	Non-exempt
Maintenance	Skilled Craft-15	Non-exempt
Building Maintenance Superintendent	Skilled Craft-15	Non-exempt
100-108 City Secretary		
Director of Administrative Services/City Secretary	Officials/Administrative-15	Exempt
100-109 Finance		
Director of Finance	Officials/Administrative-01	Exempt
Accountant I	Administrative Support-01	Non-exempt
Accountant II	Administrative Support-01	Non-exempt
100-201 Parks		
Parks and Recreation Director	Officials/Administrative-15	Exempt
Administrative Assistant	Administrative Support-01	Non-exempt
Crew Leader	Service/Maintenance-15	Non-exempt
Equipment Operator I (6)	Service/Maintenance-15	Non-exempt
Equipment Operator (Seasonal)	Service/Maintenance-15	Non-exempt
100-202 Swimming Pool		
Pool Manager (Seasonal)	Service/Maintenance-15	Non-exempt
Lifeguards-(Seasonal)	Service/Maintenance-15	Non-exempt
Pool Cashier (Seasonal)	Service/Maintenance-15	Non-exempt
100-204 Recreation		
Camp Supervisor (Seasonal)	Service/Maintenance-15	Non-exempt
Camp Instructors(Seasonal)	Service/Maintenance-15	Non-exempt
100-206 Golf		
Golf Course Superintendent	Service/Maintenance-15	Non-exempt
Grounds Keeper	Service/Maintenance-15	Non-exempt
Cashier (Part-time)	Officials/Administrative-01	Non-exempt

# POSITION CLASSIFICATION

DEPARTMENT	EEO CLASS	FLSA
100-301 Fire Department		
Chief (Part-time)	Officials/Administrative-05	Exempt
Battalion Chief (2)	Officials/Administrative-05	Exempt
Captain (3)	Professional-05	Non-exempt
Lieutenant (3)	Professional-05	Non-exempt
Firefighter (6)	Protective Services-05	Non-exempt
Firefighter (Part-time as needed)	Protective Services-05	Non-exempt
Firefighter Trainee	Protective Services-05	Non-exempt
100-501 Police Department		
Chief of Police	Officials/Administrative-04	Exempt
Captain	Professional-04	Exempt
Criminal Services Lieutenant	Professional-04	Exempt
Support Services/Admin Lieutenant	Professional-04	Exempt
DEA Task Force Investigator	Technicians-04	Non-exempt
Patrol Sergeant (4)	Technicians-04	Non-exempt
Patrol Officer (12)	Protective Services-04	Non-exempt
Cadet	Protective Services-04	Non-exempt
Telecommunication Sergeant	Administrative Support-15	Non-exempt
Telecommunication Operator (4)	Administrative Support-15	Non-exempt
Telecommunication Operator (Part-time 1)	Administrative Support-15	Non-exempt
Police Records Clerk	Administrative Support-15	Non-exempt
100-504 Animal Control		
Animal Control Officer	Service/Maintenance-15	Non-exempt
100-550 Municipal Court		
Court Clerk	Administrative Support-01	Non-exempt
100-603 Street Department		
Street Director	Officials/Administrative-02	Exempt
Crew Leader/ Equipment Operator II	Skilled Craft-02	Non-exempt
Equipment Operator II (2)	Skilled Craft-02	Non-exempt
Equipment Operator I (3)	Skilled Craft-02	Non-exempt
100-650 Library		
Library Director	Officials/Administrative-15	Exempt
Librarian I (3)	Professionals-15	Non-exempt
Part-Time Librarian Assistant (1)	Professionals-15	Non-exempt
100-660 Museum		
Museum Director	Administrative Support-15	Non-exempt
Museum Worker (Part-time 1)	Administrative Support-15	Non-exempt
203-203 J.B. Wells Park		
Arena Operations Manager	Officials/Administrative-15	Non-exempt
Revenue Collections Clerk	Administrative Support-01	Non-exempt
Crew Leader	Service/Maintenance-15	Non-exempt
Equipment Operator I (4)	Service/Maintenance-15	Non-exempt
Equipment Operator (Seasonal)	Service/Maintenance-15	Non-exempt
210-710 Electric Department		
Electric Director/Liaison	Officials/Administrative-12	Exempt
Lineman I/Meter Reader	Skilled Craft-12	Non-Exempt
Hydro Plant Station Technician (Part-time 1)	Skilled Craft-12	Non-Exempt

POSITION CLASSIFICATION		
DEPARTMENT	EEO CLASS	FLSA
210-750 Revenue Collections		
Revenue Collections Supervisor	Administrative Support-01	Exempt
Revenue Collections Clerk (3)	Administrative Support-01	Non-exempt
220-720 Water Department		
Water Department Director	Officials/Administrative-13	Exempt
Crew Leader	Skilled Craft-13	Non-exempt
Water Operator I (2)	Skilled Craft-13	Non-exempt
Water Operator II	Skilled Craft-13	Non-exempt
230-730 Wastewater Department		
Wastewater Superintendent	Officials/Administrative-13	Exempt
Crew Leader (2)	Skilled Craft-13	Non-exempt
Operator I (3)	Skilled Craft-13	Non-exempt
Operator II (2)	Skilled Craft-13	Non-exempt
240-740 Solid Waste		
Equipment Operator I (2)	Skilled Craft-02	Non-exempt
500-811 Hotel/Motel		
Tourism Director	Professional-01	Exempt
700-700 Economic Development		
Economic Development President/CEO	Officials/Administrative-01	Exempt
Administrative Assistant to President/CEO	Administrative Support-01	Non-exempt

## **COUNCIL AGENDA ITEM BRIEFING DATA**



**DATE: February 10, 2022**

## **AGENDA ITEM**

Discuss, Consider and Possible Action on Ordinance #2022-3 Approving a Budget Amendment to the Operating Budget for the Fiscal Year October 1, 2021 and Ending September 30, 2022; General Fund: \$2,242,163.96 in expenses and \$1,862,678.96 in revenue, Electric Fund: \$40,865.44 in expenses, Water Fund: \$10,367 in expenses, Wastewater Fund: \$228,700 in expenses and Hotel/Motel Fund: \$23,217.15 in expenses

### **TYPE AGENDA ITEM:**

Ordinance

### **BACKGROUND:**

On September 9, 2021 the City Council of the City of Gonzales Approved the Operating Budget for the City of Gonzales for the Fiscal Year Beginning October 1, 2021 and ending September 30, 2022.

The estimated fund balance of the General Fund with JB Wells included as of September 30, 2021 is \$3,017,576.01. The following budget amendments will be taken from the fund balance of the General Fund.

### **BUDGET AMENDMENT #1**

The City Council of the City of Gonzales settled the JB Wells lawsuit for \$1,825,000. The City Council elected to issue a General Obligation Refunding Bond for the funds. The funds were received in the City's bank account on October 5, 2021 and were wired out on October 7, 2021. Staff is asking for a budget amendment to reflect the \$1,825,000 received and same amount paid.

JB Wells Settlement Funds	100-4-406.673	1,825,000.00
JB Wells Lawsuit	100-7-104.416	-1,825,000.00

### **BUDGET AMENDMENT #2**

The City Council of the City of Gonzales adopted a budget that had some capital improvement repairs to the Eggleston House estimated to be around \$50,000. During the budget process, staff budgeted the usual \$3,000 for architect fees for any upcoming projects for the museums. This amount is budgeted each year and is considered a blanket budget. At the time of the budget adoption, staff was unaware of how in depth this project would be because of the structural improvements that were added. Due to this, the architect fees were \$25,985 for the Eggleston House Roof Replacement and Structural Repairs. Staff is asking for a budget amendment to reflect this amount minus the \$3,000 that was already budgeted.

Special Contracts	100-7-660.411	22,985.00
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### **BUDGET AMENDMENT #3**

The City Council of the City of Gonzales adopted a budget that had the first annual payment of a 5-year note (\$8,500 per year) for a new Polaris UTV. The Police Department wanted to purchase to allow them the ability to access areas that are not accessible by regular vehicles. The City's Grant Writer was working on a grant to pay 100% of the \$37,678.96 for the new Polaris, but staff didn't find out that the grant was awarded to the City until after the adoption of the budget. Staff is asking for a budget amendment to reflect the grant money to be received and increase the vehicles/equipment budget to reflect the \$37,678.96 minus the \$8,500 that was already budgeted.

Grants	100-4-409.912	\$37,678.96
Vehicles/Equipment	100-7-501.608	\$29,178.96

### **BUDGET AMENDMENT #4**

The City Council of the City of Gonzales adopted the 2020-2021 budget that consisted of \$365,000 for capital improvements to St. Lawrence Street – Hopkins to Fair. This project did not get completed by September 30, 2021 so the funds went to the fund balance. Staff is asking for a budget amendment to reflect those funds being taken from the fund balance and put in the 2021-2022 budget in order to pay for the rest of the project that is being completed.

Street Improvements	100-7-603.640	\$365,000.00
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\*\*\*The estimated fund balance of the Electric Fund as of September 30, 2021 is \$3,249,048. The following budget amendments will be taken from the fund balance of the Electric Fund.\*\*\*

### **BUDGET AMENDMENT #5**

The City Council of the City of Gonzales adopted a budget for the electric department based on having a Lineman I for three months out of the twelve-month budget. This was due to ordering an AMI system for electric meters and staff feels that once these meters are installed that the electric department will no longer need to read all of the meters or drive around to pick up the readings on them. This AMI system will allow us to have some meters that can be connected and disconnected from the touch of a button at City Hall and staff will be able to pull the reads from City Hall for all the electric meters. There has been a delay on the shipping of the residential meters, and they will not be delivered until around May. The Lineman I has agreed to stay on several more months until we get the meters installed. For budget purposes staff has calculated payroll expenses through July 22, 2022, but the position may not be needed that long. Staff is asking for a budget amendment to reflect the payroll expenses for those additional months.

Salaries	210-7-710.106	31,185.00
F.I.C.A.	210-7-710.110	2,385.65
Retirement TMRS	210-7-710.112	3,190.23
Workers Compensation	210-7-710.113	69.56
Medical Insurance	210-7-710.114	3,997.00
Life Insurance	210-7-710.116	38.00

\*\*\*The estimated fund balance of the Water Fund as of September 30, 2021 is \$2,783,931.54. The following budget amendments will be taken from the fund balance of the Water Fund.

**BUDGET AMENDMENT #6**

The City's IT personnel informed staff that there was a computer that had Windows 7 and/or Server 2008 and Microsoft no longer releases updates (including security updates) or patches. This puts this office at a higher risk of being compromised by viruses and other security vulnerabilities. This computer had scada software that could not be transferred on a new computer. IT directed staff to update the software for the filter control system-filter computer and software upgrade and received a quote for \$10,367. This quote includes the new computer that will be purchased to have the new filter control system-filter software put on it. Staff is asking for a budget amendment to reflect those funds that were not budgeted.

Vehicles/Equipment	220-7-720.608	10,367.00
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\*\*\*The estimated fund balance of the Wastewater Fund as of September 30, 2021 is \$2,231,076.38. The following budget amendments will be taken from the fund balance of the Wastewater Fund.

**BUDGET AMENDMENT #7**

The City Council of the City of Gonzales adopted the 2020-2021 budget that consisted of \$228,700 for the Trojan UV 3000 Disinfection system for wastewater plant. This project did not get completed by September 30, 2021 so the funds went to the fund balance. Staff is asking for a budget amendment to reflect those funds being taken from the fund balance and put in the 2021-2022 budget in order to pay for the system.

Vehicles/Equipment	230-7-730.608	228,700.00
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\*\*\*The estimated fund balance of the Hotel/Motel Tax Fund as of January 28, 2022 is \$684,452. The following budget amendments will be taken from the fund balance of the Hotel/Motel Tax Fund.

**BUDGET AMENDMENT #8**

The City Council of the City of Gonzales adopted the 2021-2022 budget that consisted of \$43,475 for the Visitor's Center. On November 18, 2021, City Council approved Resolution 2021-102 authorizing the City Manager to Execute a Contract with the Chamber of Commerce for the hosting and operations of the Gonzales Visitor Information Center in the amount of \$66,692.15. Staff is asking for a budget amendment to reflect the difference that Council adopted in that Resolution.

Visitor's Center	500-7-811.412	23,217.15
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**POLICY CONSIDERATIONS:**

Approval of these budget amendments is consistent with current policy.

**FISCAL IMPACT:**

This Ordinance will amend the budget.

**ATTACHMENTS:**

Exhibit “A”

**STAFF RECOMMENDATION:**

Staff respectfully recommends the Council to take action they deem necessary.

## **ORDINANCE NO. 2022-3**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, APPROVING A BUDGET AMENDMENT TO THE OPERATING BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 FOR GENERAL FUND: \$2,242,163.96 IN EXPENSES AND \$1,862,678.96 IN REVENUE, ELECTRIC FUND: \$40,865.44 IN EXPENSES, WATER FUND: \$10,367 IN EXPENSES, WASTEWATER FUND: \$228,700 IN EXPENSES AND HOTEL/MOTEL FUND: \$23,217.15 IN EXPENSES; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an annual operating budget for the fiscal year October 1, 2021 through September 30, 2022, was approved and adopted by the City Council on September 9, 2021; and,

**WHEREAS**, amendments to said budget have been requested as itemized in "Exhibit A" attached hereto and made a part hereof; and

**WHEREAS**, said full and final consideration of said budget amendments have been held in a legally posted public meeting of the City Council, and it is the consensus of opinion that the budget amendments as submitted, should be approved and adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 2. The City Council of the City of Gonzales, Texas hereby amends the budget for the 2021-22 fiscal year as set forth in the Attached "Exhibit A", which is fully incorporated herein by reference.

Section 3. That this Ordinance shall be cumulative of all provisions of the City of Gonzales, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City

Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Ordinance shall be in force and effect from and after its final passage, and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## **EXHIBIT “A”**

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Visitor's Center	500-7-811.412	23,217.15
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# COUNCIL AGENDA ITEM BRIEFING DATA



## AGENDA ITEM

Conduct a public hearing, consideration and possible action on amendment to the City of Gonzales Zoning Regulations for the following sections:

- A) Garage requirements from Residential Zoning Districts SF-6(Section 14.304.c.2), SF-8 (Section 14.305.c.2), SF-10(Section 14.306.c.2), and SF-A (Section 14.307.c.2)
- B) Removal of posted sign notice provisions in Section 14.902 Zoning Text and Map Amendments, 14.903 Public Hearings and Notification Requirements for Zoning Related Applications
- C) Removal of variance applicability limitations and addition of existing structure financial hardship provisions in Section 14.1002 Zoning Variance

**DATE: February 10, 2022**

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### **BACKGROUND:**

In February 2021 the City Council approved a new Zoning Ordinance after recommendation from the Planning & Zoning Commission. Since then, staff has been approached by multiple individuals regarding the residential garage requirements and difficulty complying with the mandatory 2 car garage requirement.

In response staff analyzed the residential garage requirement and how it fits into both new and existing neighborhoods. It is the option of staff that the current residential garage requirements are a “one-size fits all” approach that lacks flexibility, especially for in-fill or redevelopment in existing neighborhoods where not every home was built with a garage.

Staff solicited the help of the Planning & Zoning Commission in determining what revisions to residential garage requirements are most appropriate for the community. A spectrum of options was prepared for discussion with the Commission, which included no change, a reduction from 2-car to 1-car, allowance of a carport in-lieu of a garage, alternative compliance proposals, and removal of the garage requirements.

Another amendment that staff feels needs to be made is removing the physical sign posting requirements associated with various public notice applications. This requirement was created with the adoption of the new zoning ordinance in 2021. Staff has not had the opportunity to establish notification sign standards in the City’s development manual or coordinate with vendors on who can provide these signs for purchase by the applicant. Staff is recommending removal of this requirement at this time.

Staff also is proposing removing the zoning variance applicability limitations and adding language for the financial hardship findings for structures, to be in line and in compliance with state law. The current zoning variance requirements contain additional variance applicability limitations which are an increased standard above and beyond state law. Specifically, they restrict zoning variances to open space dimensions, lot dimensions, structure height, and impervious area. Due to the high standard of hardship that must be found in granting a zoning variance, the additional variance applicability limitations are not needed. Staff is also proposing to incorporate the additional variance hardship criteria that was approved by the Texas Legislature in 2021 with H.B. 1475. The additional hardship criteria specifically applies to structures. Full text of the

amendments is attached for review.

A notice was published in the newspaper for three consecutive weeks, posted on the City's website, and at City Hall beginning on December 30, 2021. As of preparation of this staff report, no written comments have been received.

### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission held a public hearing on January 18, 2022, where they made a recommendation of approval of the proposed ordinance with a vote of 4 in favor and 1 opposed.

During the public hearing several residents spoke requesting relief from the City's residential garage requirements and supporting the removal of the required 2-car garage. Other public comments included the extra costs associated with building a required garage, the space a garage takes up on a smaller lot, and that residents should be able to choose if they want a garage or not.

Staff provided various options for consideration by the Commission for revising the residential garage requirements including:

1. Removal of the garage requirements
2. Allowing carports and porte cocheres in-lieu of a garage
3. Reducing the required size from 2-car to 1 car
4. Allowing the Planning & Zoning Commission to approve alternative compliance proposals in accordance with Sec.14.904 *Alternative Compliance*.

Staff recommended a combination of options to allow carports and porte cocheres in-lieu of a garage, reduce the required size from 2-car to 1-car, and allow for the Planning and Zoning commission to approve alternative compliance proposals in accordance with Sec.14.904 *Alternative Compliance*.

The Commission discussed the options and the various combinations that Staff provided. There was discussion by the Commission on the public comments. Concerns were expressed about the cars being parked in lawns and not having adequate off-street parking, as well as neighborhood aesthetics if homes are built without garages.

There was little discussion from the Commission on the other proposed amendments; removal of posted sign notice and updates to variance applicability and hardship criteria.

The Commission approved a motion to provide a recommendation of a combination of the options to allow carports and porte cocheres in-lieu of a garage, reduce the required size from 2-car to 1-car, and allow for the Planning and Zoning commission to approve alternative compliance proposals in accordance with Sec.14.904 *Alternative Compliance*. Additionally, the Commission offered a recommendation of approval for the other proposed amendments as they were presented by staff.

### **STAFF RECOMMENDATION:**

Staff respectfully recommends approval of the proposed ordinance.

### **ATTACHMENTS:**

Proposed Ordinance

## **ORDINANCE NO. 2022-4**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AMENDING THE GONZALES CODE OF ORDINANCES CHAPTER 14 ZONING, RELATED TO GARAGE REQUIREMENTS, POSTED SIGN NOTICE, AND ZONING VARIANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gonzales (City) is a Texas Home Rule Municipality and the Texas Local Government Code authorizes the City of Gonzales to exercise jurisdiction over City zoning as deemed appropriate by the City; and

**WHEREAS**, the City Council may from time to time choose to amend, supplement, change or modify the City's zoning regulations, boundaries, or classifications; and

**WHEREAS**, City Staff has reviewed the current zoning regulations and have recommended certain revisions and updates to the current zoning regulations; and

**WHEREAS**, on December 30, 2021, January 6, 2022 and January 13, 2022 the notice of the joint public hearing was published in the Gonzales Inquirer; and

**WHEREAS**, on January 18, 2022 the Planning and Zoning Commission conducted a public hearing and after consideration, made a recommendation of approval of this amendment; and

**WHEREAS**, on February 10, 2022 the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

**Section 1.** The City Council of the City of Gonzales, Texas hereby amends the City of Gonzales Code of Ordinances Chapter 14 Zoning as set forth in the attached "Exhibit A".

**Section 2.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section 3.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 4.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**Section 5.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**Section 7.** This Ordinance shall become in force and effect from and after its final passage and it is so resolved.

**PASSED AND APPROVED this 10<sup>th</sup> day of February, 2022.**

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Mayor, Connie L. Kacir

ATTEST:

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Kristina Vega, City Secretary

## Exhibit A

*All language between brackets [ ] is for reference purposes only and is not intended to be changed or altered by this exhibit. The Code of Ordinances, City of Gonzales, Texas is hereby amended by deleting (strike-through) and adding (underlined) language as follows:*

### **[Changes to Garages for Residential Zoning Districts SF-6, SF-8, SF-10, SF-A]**

#### **[Sec.14.304.c.2]**

##### **(2) Garages**

(A) All homes shall ~~have~~ be constructed with at least a ~~two one~~-car carport, porte cochere, or enclosed garage, ~~2010~~' x 20' minimum.

(B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(C) A request for alternative compliance may be submitted and acted upon in accordance with section 14.904, Alternative Compliance. The planning and zoning commission may modify, reduce, or waive the requirement to construct a carport, porte cochere, or enclosed garage.

#### **[Sec.14.305.c.2]**

##### **(2) Garages**

(A) All homes shall ~~have~~ be constructed with at least a ~~two one~~-car carport, porte cochere, or enclosed garage, ~~2010~~' x 20' minimum.

(B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(C) A request for alternative compliance may be submitted and acted upon in accordance with section 14.904, Alternative Compliance. The planning and zoning commission may modify, reduce, or waive the requirement to construct a carport, porte cochere, or enclosed garage.

#### **[Sec.14.306.c.2]**

##### **(2) Garages**

(A) All homes shall ~~have~~ be constructed with at least a ~~two one~~-car carport, porte cochere, or enclosed garage, ~~2010~~' x 20' minimum.

(B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(C) A request for alternative compliance may be submitted and acted upon in accordance with section 14.904, Alternative Compliance. The planning and zoning commission may modify, reduce, or waive the requirement to construct a carport, porte cochere, or enclosed garage.

#### **[Sec.14.307.c.2]**

##### **(4) Garages**

(A) All homes shall ~~have~~ be constructed with at least a ~~two one~~-car carport, porte cochere, or enclosed garage, ~~2010~~' x 20' minimum.

(B) Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

(C) A request for alternative compliance may be submitted and acted upon in accordance with section 14.904, Alternative Compliance. The planning and zoning commission may modify, reduce, or waive the requirement to construct a carport, porte cochere, or enclosed garage.

**[Removal of posted sign notice provisions]**

**[Sec.14.902.e]**

**(e) Sign Posting for a Zoning Map Amendment (Rezoning) Related to a Particular Property**

- ~~(1) At least eleven (11) days prior to the public hearing by the Planning and Zoning Commission on a proposed amendment to the zoning text and map related to particular property, the applicant shall cause a sign, clearly visible to passersby, to be placed and maintained on such property.~~
- ~~(2) The applicant is responsible for furnishing the sign and posting it on the property proposed to be rezoned.~~
- ~~(3) The number of signs, size of signs and content to be placed on signs shall be in accordance with the Development Application Handbook.~~
- ~~(4) The sign shall remain continuously posted on the property until such time that final action has been taken on the application.~~

**(f) Effect of Posted Sign Maintenance**

- ~~(1) It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall replace any missing or defective sign within three (3) business days from the time that a City official notifies the applicant of the defective or missing signs.~~
- ~~(2) It is unlawful for a person to alter any notification signs, or to remove it while the application is pending.~~
- ~~(3) Removal or alteration of posted signs that is beyond the control of the applicant shall not constitute a failure to meet the notification requirements of this section and shall not be a condition precedent to the holding of a public hearing, the adoption of any proposed zoning change, or any other official action concerning such amendment.~~

**(ge) City Council Decision and Public Hearing Required**

- (1) A public hearing shall be held by the City Council before adopting any proposed amendment.
- (2) Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official publication (newspaper or a newspaper of general circulation) in the City.

**(hf) Three-Fourths City Council Vote Required for Protested Amendments**

If any of the following conditions exist, then amendments shall not become effective except by a three-fourths (3/4) vote of the governing body.

**[Sec.14.903.d Table 9.2]**

Table 9.2: Required Public Notice for Zoning Related Plans and Applications			
Application Type	Property Posted (Sign) Notice	Published Notice	Mailed Notice
Initial Zoning of Newly Annexed Land		Required	Required
Zoning Map Amendment (Rezoning)	Required	Required	Required
Zoning Text Amendment		Required	

Specific Use Permits (SUPs)	<del>Required</del>	Required	Required
Amortization of Nonconforming Uses	<del>Required</del>	Required	Required
Appeal of a City Administrative or Interpretative Decision		Required	Required
Zoning Variance	<del>Required</del>	Required	Required
Zoning Special Exception	<del>Required</del>	Required	Required

**[Sec.14.903.e]**

(e) Types of Notice

~~(1) Postings of Signs on Property~~

~~The City Manager shall maintain an inventory of signs to fulfill the notification requirements listed in Table 9.2: Required Public Notice for Zoning Related Plans and Applications.~~

~~(21)~~ “Published Notice” and “Mailed Notice” of Public Hearings for Zoning Changes Involving Real Property

(A) Published Notice

i Notice of the public hearing to occur before the City Council shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

(B) Mailed Notice (also referred to as “Written Notice”)

i Written notice of the public hearing before the Planning & Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held.

ii Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.

iii If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:

- a. Legal description of the property and the street address or approximate location within the City.
- b. Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described.
- c. The date, time, and place of hearing.
- d. The web site that contains the zoning map and information regarding the rezoning if available;
- e. The phone number where questions may be answered; and
- f. Other information as may be necessary to provide adequate and timely public notice.

~~(32)~~ “Published Notice” of Public Hearing for Zoning Changes Involving Regulation Text

(A) For requests involving proposed changes to the text of the zoning regulations, notice of the City Council public hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

(B) Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property), and does not change the uses or regulations of a specific zoning district do not require mailed/written notification to individual property owners.

**(43) “Published Notice” and “Mailed Notice” of an Appeal of a City Administrative or Interpretative Decision to the Zoning Board of Adjustment**

(A) For an Appeal of a City Administrative or Interpretative Decision, the Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred feet (200’) of the property on which the appeal is made, and by publication of notice of such hearing in the City’s official newspaper.

(B) Both the written/mailed and published notice shall be given at least ten (10) days prior to the date for the hearing.

(C) Upon the hearing, any party may appear in person or by attorney or by agent.

**(54) Dual Notification of Planning and Zoning Commission Public Hearing(s) and City Council Public Hearing(s)** The City may, at its option, publish the required zoning change notifications in conformance with Chapter 211 of the Texas Local Government Code for public hearings for the Planning and Zoning Commission and the City Council at the same time; said notifications must be published fifteen (15) days prior to the Planning and Zoning Commission public hearing and fifteen (15) days prior to the City Council public hearing.

**(65) Additional Rules and Procedures Established**

(A) The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the Applicant or its agent(s).

(B) Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the Applicant and shall be required as part of a zoning change or development Application.

**(76) Special Notice**

Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning and Zoning Commission.

***[Removal of variance applicability limitations and addition of new hardship provisions]***

**[Sec.14.1002.b]**

(b) Zoning Variance Applicability



The Zoning Board of Adjustment is authorized in specific cases to grant a Zoning Variance from the terms of this chapter provided that the variance as will not be contrary to the public interest, and due to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. Approval of a variance authorizes a property owner to submit subsequent development applications consistent with the approved variance. the following regulations to prevent undue hardships.

- (1) Open Space (Yard) Dimensions
- (2) Lot Dimensions
- (3) Structure Height
- (4) Impervious Area

**[Sec.14.1002.d]**

(8) Finding of Undue Hardship as Applied to a Structure

In considering a variance as applied to a structure, the Zoning Board of Adjustment may consider the following as grounds to determine whether an unnecessary hardship would result from compliance with the ordinance:

- (A) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
- (B) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (C) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (D) compliance would result in the unreasonable encroachment on an adjacent property or easement; or
- (E) the municipality considers the structure to be a nonconforming structure.

## **COUNCIL AGENDA ITEM BRIEFING DATA**



**DATE: February 10, 2022**

### **TYPE AGENDA ITEM:**

Other Business

### **BACKGROUND:**

The City of Gonzales has received a request from an individual that requested the use of portions of the Roger M. Dreyer Memorial Airport. It was suggested that an item be presented to the Advisory Board for their consideration and recommendation to City Council regarding an overall policy regarding aviation and non-aviation uses at the airport. The policy would be recommended to address fees, insurance requirements, liability concerns and appropriate uses of airport property. The board engaged in deliberation regarding a general policy for the possible use of the airport. The board voted unanimously to recommend to City Council to not create a policy at this time for non-aviation uses due to airport's lack of space and ability to adequately facilitate parking for any type of event.

## **AGENDA ITEM**

Discuss, Consider and Possible Action regarding policy recommendations from the Roger M. Dreyer Memorial Airport Advisory Board regarding authorizing the use of specific portions of the Roger M. Dreyer Memorial Airport for private or public events if allowed by current grant assurance and hangar lease provision, and setting any terms, conditions, and associated fees as applicable

## *CITY OF GONZALES FINANCIALS*

FINANCIAL REPORTS FOR FUNDS AS OF 01/31/2022

CASH & INVESTMENT BY FUND AS OF 01/31/2022

QUARTERLY INVESTMENT REPORT ENDING 12/31/2021

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 100-GENERAL FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
401-TAX REVENUE	2,692,465.00	748,967.82	1,383,898.68	51.40	0.00	1,308,566.32
402-FRANCHISE REVENUE	1,874,687.00	45,309.54	480,353.89	25.62	0.00	1,394,333.11
403-LICENSE/FEE/PERMITS	81,850.00	5,104.85	19,975.19	24.40	0.00	61,874.81
404-PARKS FEES REVENUE	301,485.00	13,084.89	67,118.10	22.26	0.00	234,366.90
405-MUNICIPAL COURT REVEN	46,115.00	6,709.49	18,421.84	39.95	0.00	27,693.16
406-MISCELLANEOUS REVENUE	763,050.00	12,939.80	1,920,017.30	251.62	0.00	( 1,156,967.30)
407-STREET ASSESSMENT INC	0.00	0.00	0.00	0.00	0.00	0.00
408-INTEREST REVENUES	12,000.00	430.77	3,386.28	28.22	0.00	8,613.72
409-OTHER FINANCING REVEN	966,650.00	505.00	6,130.00	0.63	0.00	960,520.00
410-TRANSFERS	2,857,618.00	0.00	728,744.51	25.50	0.00	2,128,873.49
*** TOTAL REVENUES ***	9,595,920.00	833,052.16	4,628,045.79	48.23	0.00	4,967,874.21
EXPENDITURE SUMMARY						
101-CITY COUNCIL DEPARTME	91,616.00	2,716.08	30,940.94	33.83	51.45	60,623.61
102-CITY MANAGER DEPART	175,509.00	12,252.98	58,067.29	33.09	0.00	117,441.71
103-COMMUNITY DEVELOPMENT	277,201.00	16,883.16	80,478.02	29.03	0.00	196,722.98
104-NON-DEPARTMENTAL	441,809.00	9,854.28	1,973,326.29	446.65	0.00	( 1,531,517.29)
105-MAIN STREET DEPARTMEN	74,531.00	527.73	15,682.08	21.04	0.00	58,848.92
106-ECONOMIC DEVELOPMENT	0.00	0.00	0.00	0.00	0.00	0.00
107-BUILDING MAINTENANCE	273,228.00	15,572.91	79,718.20	29.18	0.00	193,509.80
108-CITY SECRETARY DEP	138,211.00	7,881.08	37,352.65	27.03	0.00	100,858.35
109-FINANCE DEPARTMENT	287,040.00	17,808.96	106,646.39	37.15	0.00	180,393.61
110-HOTEL/MOTEL	0.00	0.00	0.00	0.00	0.00	0.00
201-PARKS DEPARTMENT	652,403.00	36,080.65	194,228.51	29.77	0.01	458,174.48
202-SWIMMING POOL DEPARTM	29,849.00	0.00	1,170.83	3.92	0.00	28,678.17
204-RECREATION DEPARTMENT	0.00	0.00	0.00	0.00	0.00	0.00
206-INDEPENDENCE GOLF CO	306,194.00	17,707.20	88,762.87	28.99	0.00	217,431.13
301-FIRE DEPARTMENT	1,506,743.00	205,149.13	522,189.07	36.15	22,527.30	962,026.63
501-POLICE DEPARTMENT	2,773,373.00	167,571.37	875,803.34	33.35	49,190.56	1,848,379.10
504-ANIMAL CONTROL DEPART	163,090.00	9,539.09	47,245.93	28.97	0.00	115,844.07
550-MUNICIPAL COURT DEPT.	113,156.00	6,036.03	32,401.83	28.63	0.00	80,754.17
602-AIRPORT DEPARTMENT	133,495.00	351.16	36,466.92	27.32	0.00	97,028.08
603-STREETS DEPARTMENT	1,709,665.00	267,726.94	451,879.94	26.91	8,189.82	1,249,595.24
650-LIBRARY DEPARTMENT	291,833.00	19,862.81	95,484.40	32.72	0.00	196,348.60
660-MUSEUM DEPARTMENT	142,603.00	4,504.85	42,888.78	30.08	0.00	99,714.22
*** TOTAL EXPENDITURES ***	9,581,549.00	818,026.41	4,770,734.28	50.63	79,959.14	4,730,855.58
** REVENUES OVER(UNDER) EXPENDITURES **	14,371.00	15,025.75	( 142,688.49)	549.28-	( 79,959.14)	237,018.63

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

203-JB WELLS PARK FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
404-PARKS FEES REVENUE	664,620.00	39,643.57	160,573.03	24.16	0.00	504,046.97
406-MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	664,620.00	39,643.57	160,573.03	24.16	0.00	504,046.97
EXPENDITURE SUMMARY						
203-JB WELLS PARK	906,861.00	40,606.79	189,660.53	20.91	0.00	717,200.47
*** TOTAL EXPENDITURES ***	906,861.00	40,606.79	189,660.53	20.91	0.00	717,200.47
** REVENUES OVER (UNDER) EXPENDITURES **	( 242,241.00)	( 963.22)	( 29,087.50)	12.01	0.00	( 213,153.50)

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 210-ELECTRIC FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	0.00	0.00	0.00	0.00	0.00	0.00
710-ELECTRIC DEPARTMENT	10,357,097.00	826,654.03	3,187,000.22	30.77	0.00	7,170,096.78
750-REVENUE COLLECTION	218,627.00	1,843.97	97,067.97	44.40	0.00	121,559.03
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
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*** TOTAL REVENUES ***	10,575,724.00	828,498.00	3,284,068.19	31.05	0.00	7,291,655.81
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
710-ELECTRIC DEPARTMENT	10,712,434.00	72,960.50	2,454,494.65	29.82	739,715.96	7,518,223.39
750-REVENUE COLLECTIONS	284,578.00	17,904.47	113,567.46	39.91	0.00	171,010.54
809-HYDRO PLANT CONST.	0.00	0.00	0.00	0.00	0.00	0.00
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*** TOTAL EXPENDITURES ***	10,997,012.00	90,864.97	2,568,062.11	30.08	739,715.96	7,689,233.93
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	( 421,288.00)	737,633.03	716,006.08	5.63	( 739,715.96)	( 397,578.12)
	=====	=====	=====	=====	=====	=====

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 220-WATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	0.00	0.00	0.00	0.00	0.00	0.00
720-WATER PRODUCTION DEPT	2,515,800.00	208,384.20	844,975.53	33.59	0.00	1,670,824.47
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
*** TOTAL REVENUES ***	<u>2,515,800.00</u>	<u>208,384.20</u>	<u>844,975.53</u>	<u>33.59</u>	<u>0.00</u>	<u>1,670,824.47</u>
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
720-WATER PRODUCTION DEPT	2,130,187.00	37,266.15	514,506.82	25.87	36,593.96	1,579,086.22
722-SERIES 2011 DEBT SERV	0.00	0.00	0.00	0.00	0.00	0.00
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
*** TOTAL EXPENDITURES ***	<u>2,130,187.00</u>	<u>37,266.15</u>	<u>514,506.82</u>	<u>25.87</u>	<u>36,593.96</u>	<u>1,579,086.22</u>
	=====	=====	=====	=====	=====	=====
** REVENUES OVER(UNDER) EXPENDITURES **	<u>385,613.00</u>	<u>171,118.05</u>	<u>330,468.71</u>	<u>76.21</u>	<u>( 36,593.96)</u>	<u>91,738.25</u>
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CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 230-WASTEWATER FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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REVENUE SUMMARY						
730-WASTEWATER COLLECTION	1,466,969.00	134,700.10	526,227.22	35.87	0.00	940,741.78
731-W/W CDBG PROJECT	720,917.00	0.00	24,092.58	3.34	0.00	696,824.42
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
*** TOTAL REVENUES ***	<u>2,187,886.00</u>	<u>134,700.10</u>	<u>550,319.80</u>	<u>25.15</u>	<u>0.00</u>	<u>1,637,566.20</u>
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EXPENDITURE SUMMARY						
730-WASTEWATER COLLECTION	1,500,322.00	44,660.99	374,540.64	40.73	236,500.00	889,281.36
731-W/W CDBG PROJECT	1,617,945.00	0.00	2,250.00	0.14	0.00	1,615,695.00
	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
*** TOTAL EXPENDITURES ***	<u>3,118,267.00</u>	<u>44,660.99</u>	<u>376,790.64</u>	<u>19.67</u>	<u>236,500.00</u>	<u>2,504,976.36</u>
-----						
** REVENUES OVER (UNDER) EXPENDITURES **	<u>( 930,381.00)</u>	<u>90,039.11</u>	<u>173,529.16</u>	<u>6.77</u>	<u>( 236,500.00)</u>	<u>( 867,410.16)</u>
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CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 240-SOLID WASTE FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
740-SOLID WASTE DEPARTMEN	781,200.00	66,994.97	266,324.94	34.09	0.00	514,875.06
*** TOTAL REVENUES ***	781,200.00	66,994.97	266,324.94	34.09	0.00	514,875.06
EXPENDITURE SUMMARY						
740-SOLID WASTE DEPARTMEN	734,569.00	9,192.16	211,331.76	28.77	0.00	523,237.24
*** TOTAL EXPENDITURES ***	734,569.00	9,192.16	211,331.76	28.77	0.00	523,237.24
** REVENUES OVER (UNDER) EXPENDITURES **	46,631.00	57,802.81	54,993.18	117.93	0.00	( 8,362.18)

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 300-CAPITAL PROJECTS-BUSINESS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
-----						
REVENUE SUMMARY						
300-CAPITAL PROJECTS-BUS	500.00	0.00	66.23	13.25	0.00	433.77
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	500.00	0.00	66.23	13.25	0.00	433.77
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
300-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
301-STREETS	0.00	0.00	0.00	0.00	0.00	0.00
302-WASTEWATER	219,450.00	0.00	0.00	0.00	0.00	219,450.00
303-ELECTRIC	0.00	0.00	0.00	0.00	0.00	0.00
304-WATER	318,450.00	0.00	0.00	0.00	0.00	318,450.00
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	537,900.00	0.00	0.00	0.00	0.00	537,900.00
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES ** ( 537,400.00)	=====	=====	=====	=====	=====	=====

C I T Y O F G O N Z A L E S  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 400-DSF GOVERNMENT ACTIVITIES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
400-DSF GOVERNMENT ACT.	1,262,050.00	0.00	167,444.47	13.27	0.00	1,094,605.53
*** TOTAL REVENUES ***	1,262,050.00	0.00	167,444.47	13.27	0.00	1,094,605.53
EXPENDITURE SUMMARY						
400-DSF GOVERNMENT ACT.	1,247,700.00	0.00	0.00	0.00	0.00	1,247,700.00
*** TOTAL EXPENDITURES ***	1,247,700.00	0.00	0.00	0.00	0.00	1,247,700.00
** REVENUES OVER(UNDER) EXPENDITURES **	14,350.00	0.00	167,444.47	166.86	0.00	( 153,094.47)

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

## 500-RESTRICTED USE FUNDS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
-----						
REVENUE SUMMARY						
410-TRANSFERS	0.00	0.00	0.00	0.00	0.00	0.00
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL/MOTEL	303,100.00	42,858.22	144,868.36	47.80	0.00	158,231.64
812-MEMORIAL MUSEUM	3,580.00	0.00	622.56	17.39	0.00	2,957.44
813-FORFEITURES	110.00	0.00	31.35	28.50	0.00	78.65
814-MUNICIPAL COURT	1,820.00	0.00	365.86	20.10	0.00	1,454.14
815-ROBERT L BROTHERS	380.00	0.00	107.35	28.25	0.00	272.65
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	308,990.00	42,858.22	145,995.48	47.25	0.00	162,994.52
	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY						
810-JB WELLS EXPO CENTER	0.00	0.00	0.00	0.00	0.00	0.00
811-HOTEL MOTEL	479,231.00	28,288.79	74,746.59	15.60	0.00	404,484.41
812-MEMORIAL MUSEUM	34,000.00	0.00	0.00	0.00	0.00	34,000.00
813-FORFEITURES	21,000.00	0.00	0.00	0.00	0.00	21,000.00
814-MUNICIPAL COURT	17,500.00	47.65	8,359.25	47.77	0.00	9,140.75
815-ROBERT L BROTHERS	32,200.00	46.27	3,566.81	20.22	2,943.58	25,689.61
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	583,931.00	28,382.71	86,672.65	15.35	2,943.58	494,314.77
	=====	=====	=====	=====	=====	=====
** REVENUES OVER (UNDER) EXPENDITURES **	( 274,941.00)	14,475.51	59,322.83	20.51-	( 2,943.58)	( 331,320.25)
	=====	=====	=====	=====	=====	=====

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

575-CAPITAL PROJECTS-GOV.

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
575-CAPITAL PROJECTS-GOV	0.00	0.00	25.73	0.00	0.00	( 25.73)
*** TOTAL REVENUES ***	0.00	0.00	25.73	0.00	0.00	( 25.73)
EXPENDITURE SUMMARY						
CAPITAL PROJECTS-GOV	28,075.00	184,159.14	381,094.22	357.41	0.00	( 353,019.22)
*** TOTAL EXPENDITURES ***	28,075.00	184,159.14	381,094.22	357.41	0.00	( 353,019.22)
** REVENUES OVER(UNDER) EXPENDITURES **	( 28,075.00)	( 184,159.14)	( 381,068.49)	357.32	0.00	352,993.49

CITY OF GONZALES  
FINANCIAL STATEMENT  
AS OF: JANUARY 31ST, 2022

700-GONZALES ECONOMIC DEV

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
-----						
REVENUE SUMMARY						
700-ECONOMIC DEVELOPMENT	899,000.00	86,908.13	312,679.13	34.78	0.00	586,320.87
	-----	-----	-----	-----	-----	-----
*** TOTAL REVENUES ***	899,000.00	86,908.13	312,679.13	34.78	0.00	586,320.87
	-----	-----	-----	-----	-----	-----
EXPENDITURE SUMMARY						
700-ECONOMIC DEVELOPMENT	1,987,332.00	16,669.16	585,804.12	29.48	0.00	1,401,527.88
	-----	-----	-----	-----	-----	-----
*** TOTAL EXPENDITURES ***	1,987,332.00	16,669.16	585,804.12	29.48	0.00	1,401,527.88
	-----	-----	-----	-----	-----	-----
** REVENUES OVER(UNDER) EXPENDITURES ** ( 1,088,332.00)		70,238.97	( 273,124.99)	25.10	0.00	( 815,207.01)
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## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<hr/>			
100-GENERAL FUND			
-----			
<u>CASH</u>			
100 1-001.000	CASH - GENERAL FUND	1,212,148.15	
100 1-101.505	CASH - AIRPORT IMPROVEMENT	104,928.20	
100 1-101.702	CASH - IND PARK IMPT OIL	0.00	
		-----	
TOTAL CASH		1,317,076.35	
 <u>INVESTMENTS</u>			
100 1-103.409	RBFCU-SAVINGS ACCOUNT		0.00
100 1-103.410	CERT OF DEPOSIT-RANDOLPH BROOK		286,373.60
100 1-103.413	MILLER EST. OIL & GAS ROYALTY		18,483.00
100 1-103.419	LIBRARY RESTRICTED USE-DONATIO		0.00
100 1-103.702	IND PARK IMPROVE OIL - INVEST.		0.00
			-----
TOTAL INVESTMENTS			304,856.60
 <u>POOLED INVESTMENTS</u>			
100 1-104.002	TEXPOOL- GENERAL FUND		1,772,743.42
100 1-104.604	TEXPOOL - ARMORY LEASE		0.00
100 1-104.702	TEXPOOL - IND PARK IMPT OIL		0.00
100 1-104.703	TEXPOOL - LEWIS PROPERTY		0.00
			-----
TOTAL POOLED INVESTMENTS			1,772,743.42
		-----	-----
TOTAL 100-GENERAL FUND		1,317,076.35	2,077,600.02
<hr/>			
203-JB WELLS FUND			
-----			
<u>CASH</u>			
203 1-001.000	CASH - JB WELLS	( 200,694.65)	
		-----	
TOTAL CASH		( 200,694.65)	
		-----	-----
TOTAL 203-JB WELLS PARK FUND		( 200,694.65)	0.00
<hr/>			
210-ELECTRIC FUND			
-----			
<u>CASH</u>			
210 1-001.000	CASH - ELECTRIC FUND	1,025,933.63	
210 1-001.499	CASH -HYDRO CO'S	0.00	
210 1-001.500	CASH - HYDRO BOND I & S	0.00	
210 1-001.600	CONFIDENTIALITY FEE	0.00	
210 1-001.606	CASH CUSTOMER METER DEPOSIT	181,644.23	
		-----	
TOTAL CASH		1,207,577.86	

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2022 JANUARY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<u>INVESTMENTS</u>			
210 1-103.000	AGENCY SECURITIES - ELECTRIC		0.00
210 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
210 1-103.410	CERT OF DEP - SOUTH STAR BANK		281,166.79
210 1-103.411	CERT OF DEPOSIT - RBFCU		0.00
210 1-103.606	CUSTOMER METER DEPOSITS - INVT		0.00
210 1-103.706	ELEC CAPITAL IMPROVEMENT-INST.		0.00
TOTAL INVESTMENTS			281,166.79
<u>POOLED INVESTMENTS</u>			
210 1-104.000	TEXPOOL- UNDESIGNATED		0.00
210 1-104.001	TEXPOOL-HYDRO CO'S		0.00
210 1-104.002	TEXPOOL- ELECTRIC FUND		1,982,650.84
210 1-104.606	TEXPOOL - CUSTOMER METER DEP		0.00
210 1-104.706	TEXPOOL - JOHNSON ST PROP		0.00
TOTAL POOLED INVESTMENTS			1,982,650.84
TOTAL 210-ELECTRIC FUND		1,207,577.86	2,263,817.63
<hr/>			
220-WATER FUND			
=====			
<u>CASH</u>			
220 1-001.000	CASH - WATER FUND	995,463.59	
220 1-001.606	CASH CUSTOMER METER DEPOSITS	27,230.00	
TOTAL CASH		1,022,693.59	
<u>INVESTMENTS</u>			
220 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
220 1-103.411	CERTIFICATE OF DEPOSIT-SAGE		0.00
220 1-103.606	CUSTOMER METER DEPOSITS - INVT		0.00
TOTAL INVESTMENTS			0.00
<u>POOLED INVESTMENTS</u>			
220 1-104.000	TEXPOOL - WATER FUND		0.00
220 1-104.001	TEXPOOL CONSTRUCTION		0.00
220 1-104.002	TEXPOOL- WATER FUND		751,948.02
220 1-104.606	CUSTOMER METER DEPOSIT - TXPOL		0.00
TOTAL POOLED INVESTMENTS			751,948.02
TOTAL 220-WATER FUND		1,022,693.59	751,948.02



## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2022 JANUARY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
230-WASTEWATER FUND			
=====			

CASH

230 1-001.000	CASH - WASTEWATER FUND	846,683.99	
230 1-001.606	CASH CUSTOMER METER DEPOSIT	600.00	
		-----	
TOTAL CASH		847,283.99	

INVESTMENTS

230 1-103.000	INVESTMENTS AGENCY SECURITIES		0.00
230 1-103.403	CERT OF DEPOSIT - I&S BOND RES		0.00
230 1-103.411	CERT. OF DEP - SOUTH STAR BANK		280,897.33
			-----
TOTAL INVESTMENTS			280,897.33

POOLED INVESTMENTS

230 1-104.000	TEXPOOL - WASTEWATER		0.00
230 1-104.002	TEXPOOL- WASTEWATER FUND		509,272.48
230 1-104.003	TEXPOOL-CORONAVIRUS LOCAL FIS		933,385.58
			-----
TOTAL POOLED INVESTMENTS			1,442,658.06
		-----	
TOTAL 230-WASTEWATER FUND		847,283.99	1,723,555.39

240-SOLID WASTE

=====

CASH

240 1-001.000	CASH - SOLID WASTE FUND	93,510.38	
240 1-001.606	CASH CUSTOMER GARBAGE DEP	0.00	
		-----	
TOTAL CASH		93,510.38	

INVESTMENTS

240 1-103.000	INVESTMENTS AGENCY SECURITIES		0.00
240 1-103.402	INVESTMENTS - I & S REVENUE BD		0.00
240 1-103.403	INVESTMENTS - I & S BOND RES		0.00
			-----
TOTAL INVESTMENTS			0.00

POOLED INVESTMENTS

240 1-104.000	TEXPOOL - SOLID WASTE FUND		0.00
240 1-104.100	TEXASTERM		0.00
240 1-104.402	TEXPOOL - I & S REVENUE BOND		0.00
240 1-104.403	TEXPOOL - I & S BOND RESERVE		0.00
			-----
TOTAL POOLED INVESTMENTS			0.00
		-----	
TOTAL 240-SOLID WASTE FUND		93,510.38	0.00

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2022 JANUARY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
<b>250-DSF PROPRIETARY</b>			
=====			
<u>CASH</u>			
250 1-001.000	CASH-DSF PROPRIETARY	0.00	
		-----	
	TOTAL CASH	0.00	
		-----	-----
	TOTAL 250-DSF PROPRIETARY	0.00	0.00
<hr/>			
<b>300-CAPITAL PROJECTS-BUS</b>			
=====			
<u>CASH</u>			
300 1-001.000	CASH CONTROL - CAPITAL PROJ	0.00	
300 1-101.301	BOND - CIP	0.00	
		-----	
	TOTAL CASH	0.00	
 <u>POOLED INVESTMENTS</u>			
300 1-104.101	CASH-CO SERIES 2019 CIP STREET		0.00
300 1-104.102	CASH-CO SERIES 2019 CIP W/W		266,971.58
300 1-104.103	CASH-CO SERIES 2019 CIP WATER		365,977.84
300 1-104.104	CASH-CO SERIES 2019 CIP GEN.		0.00
			-----
	TOTAL POOLED INVESTMENTS		632,949.42
		-----	-----
	TOTAL 300-CAPITAL PROJECTS-BUSINESS	0.00	632,949.42
<hr/>			
<b>400-DSF GOVERNMENTAL ACTI</b>			
=====			
<u>CASH</u>			
400 1-001.000	CASH - CONTROL ACCT	0.00	
400 1-001.101	CASH-DSF GOV. ACTIVITIES	386,250.03	
		-----	
	TOTAL CASH	386,250.03	
		-----	-----
	TOTAL 400-DSF GOVERNMENT ACTIVITIES	386,250.03	0.00
<hr/>			
<b>500-RESTRICTED USE FUNDS</b>			
=====			
<u>CASH</u>			
500 1-001.000	CASH - CONTROL ACCT	( 41,366.31)	
500 1-001.501	CASH - TEXAS CAPITAL	0.00	
500 1-001.502	CASH - HOTEL MOTEL TAX	693,510.11	
500 1-001.503	CASH - MUSEUM FUNDS	31,092.32	

## CASH &amp; INVESTMENTS BY FUND

AS OF: JANUARY 31ST, 2022 JANUARY 31ST, 2022

FUND-ACCT. NO.	ACCOUNT NAME	CASH	INVESTMENTS
500 1-001.504	CASH - FORFEITURES	24,122.82	
500 1-001.505	CASH - MUN CRT CHILD SAFETY	7,066.73	
500 1-001.506	CASH - MUN CRT SECURITY	22,817.24	
500 1-001.507	CASH - MUN CRT TECH	652.46	
500 1-001.508	CASH - SPECIAL EXPENSE	6,829.91	
500 1-001.509	CASH - AIRPORT IMPT	0.00	
500 1-001.510	PEG FRANCHISE (RESTRICTED USE)	0.00	
500 1-001.511	ROBERT LEE BROTHERS JR LIBRARY	80,150.97	
		-----	
TOTAL CASH		824,876.25	
		-----	
TOTAL 500-RESTRICTED USE FUNDS		824,876.25	0.00

## 575-CAPITAL PROJECTS-GOV

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CASH			
575 1-001.000	CASH-CONTROL ACCT	( 184,159.14)	
		-----	
TOTAL CASH		( 184,159.14)	
POOLED INVESTMENTS			
575 1-104.101	CASH-CO SERIES 19 CIP STREET		197,587.10
			-----
TOTAL POOLED INVESTMENTS			197,587.10
		-----	
TOTAL 575-CAPITAL PROJECTS-GOV.		( 184,159.14)	197,587.10

## 700-COMPONENT UNIT

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CASH			
700 1-001.000	CASH -CONTROL ACCOUNT	( 8,145.11)	
700 1-001.101	CASH - ECONOMIC DEV CORP	3,191,480.76	
		-----	
TOTAL CASH		3,183,335.65	
INVESTMENTS			
700 1-103.412	CERT OF DEPOSIT-SAGE CAPITAL		0.00
700 1-103.419	RBFCU- BASIC BUSINESS CHECKING		0.00
700 1-103.420	RBFCU - MONEY MARKET ACCT		0.00
700 1-103.430	SAVINGS ACCT - RBFCU		0.00
			-----
TOTAL INVESTMENTS			0.00
		-----	
TOTAL 700-GONZALES ECONOMIC DEV		3,183,335.65	0.00

FUND TOTAL OTHER INVESTMENTS	866,920.72
FUND TOTAL POOLED INVESTMENTS	6,780,536.86
	-----

TOTAL CASH AND INVESTMENTS	8,497,750.31	7,647,457.58
	=====	

\*\*\* END OF REPORT \*\*\*

CITY OF GONZALES PORTFOLIO  
QUARTERLY REPORT FOR THE PERIOD ENDING  
12/31/2021

Description	Yield Rate	Purchase / Renewal Date	Maturity Date	Book Value 09/30/21	Market Value 09/30/21	Accrued Interest 09/30/21	Book Value 12/31/21	Market Value 12/31/21	Accrued Interest 12/31/21
<u>Investment Pools</u>									
Texpool -General Fund	N/A	N/A	N/A	1,772,578.19	1,772,578.19	-	1,772,743.42	1,772,743.42	-
Texpool -Electric Fund	N/A	N/A	N/A	1,982,466.10	1,982,466.10	-	1,982,650.84	1,982,650.84	-
Texpool -Water Fund	N/A	N/A	N/A	751,877.92	751,877.92	-	751,948.02	751,948.02	-
Texpool -Wastewater Fund	N/A	N/A	N/A	509,225.06	509,225.06	-	509,272.48	509,272.48	-
Texpool -Coronavirus Local Fiscal Recovery	N/A	N/A	N/A	933,298.60	933,298.60	-	933,385.58	933,385.58	-
Texpool -Cert. of Obligation 2019	N/A	N/A	N/A	1,120,732.17	1,120,732.17	-	830,536.52	830,536.52	-
<u>Certificates of Deposit</u>									
General Fund - (RBFCU) 100-1-103.410	1.750%	3/20/2020	3/19/2022	285,114.11	285,114.11	1,253.94	286,373.60	286,373.60	1,259.49
Electric Fund - (SSB) 210-1-103.410	0.600%	12/11/2021	12/11/2023	279,896.75	279,896.75	1,278.13	281,166.79	281,166.79	1,270.04
Wastewater Fund - (SSB) 230-1-103.411	1.100%	10/13/2020	10/13/2022	280,120.67	280,120.67	766.12	280,897.33	280,897.33	776.66
<b>TOTAL PORTFOLIO</b>				<b>7,915,309.57</b>	<b>7,915,309.57</b>	<b>3,298.19</b>	<b>7,628,974.58</b>	<b>7,628,974.58</b>	<b>3,306.19</b>

CITY OF GONZALES PORTFOLIO SUMMARY  
Activity for Quarter Ending  
December 31, 2021

	Book Value	Market Value	Ratio
Total Investments at beginning of Quarter	7,915,309.57	7,915,309.57	100.00%
Investment Pool Interest Reinvested	646.43	646.43	
Investment Pool Increases	0.00	0.00	
Investment Pool Withdrawals	290,287.61	290,287.61	
Agency Security Purchases	0.00	0.00	
Agency Security Maturities/Called	0.00	0.00	
Certificate of Deposit Purchases	0.00	0.00	
CD Interest Reinvested	3,306.19	3,306.19	
Investments at End of Quarter	7,628,974.58	7,628,974.58	100.00%

As of 12/31/2021 all investments are in compliance with the Investment Policy of the City of Gonzales.

  
 Laura Zella, Finance Director

  
 Tim Patek, City Manager

CITY OF GONZALES PORTFOLIO  
QUARTERLY REPORT FOR THE PERIOD ENDING  
12/31/2021

<u>Weighted Average Maturity</u>	<u>Yield Rate</u>	<u>Maturity Date</u>	<u>Book Value</u>	<u>Percentage of Portfolio</u>	<u>Days to Maturity</u>	<u>Weighted Average</u>
TexPools			6,780,536.86	0.888787	1	0.89
RBFCU - General Fund	1.750%	3/19/2022	286,373.60	0.037538	78	2.93
Lone Star Bank - Electric	0.600%	12/11/2023	281,166.79	0.036855	710	26.17
Lone Star Bank - Wastewater	1.100%	10/13/2022	280,897.33	0.036820	286	10.53
<b>TOTAL PORTFOLIO</b>			<b>7,628,974.58</b>	<b>100%</b>	<b>1,075</b>	<b>40.51</b>